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U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Md. 20852

CHRONOLOGICAL LIST OF LEGISLATIVE AUTHORITIES

Contained herein is a digest of the statutory authorities of various agencies within NOAA, Department of Commerce. Each agency is indexed separately; however, the numbering system runs consecutively. The order of appearance is (1) the National Marine Fisheries Service, (2) Office of Sea Grant and Office of Coastal Zone Management, (3) National Weather Service, (4) National Ocean Survey, and (5) NOAA Commissioned Corps.

Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Chronological List of Legislative Authorities

PREFACE

This digest of the basic statutory authorities exercised by the National Marine Fisheries Service (NMFS) has been prepared as a desk reference for members of the staff.

In using this digest it should be understood that these laws, as printed in the Statutes at Large (Stat.) and in the United States Code (U.S.C.), are not literally accurate in the placement of the authorities in either the Secretary of Commerce or the Secretary of the Interior because of the historical organizational changes that have taken place. There are instances in which the printed language of the statute places the authority in one Secretary but because of organizational changes the other Secretary now has the responsibility. In some cases the responsibility is shared by both Secretaries. This digest lists those laws which contain some authority that is to be exercised by the Secretary of Commerce but does not attempt to describe the authority exercised by the Secretary of the Interior, if any.

A further complication in describing the current placement of responsibility is found in the fact that some older statutes placed the responsibility in a subordinate Departmental entity rather than the Secretary. For instance, some authority is shown to be in the Fish and Wildlife Service. Regardless of the specific language of those laws passed prior to May 24, 1950, the authority contained therein is now placed in the Secretary. On that date, Reorganization Plans Nos. 3 and 5 of 1950, transferred to the Secretary of the Interior and the Secretary of Commerce, respectively, all functions of all other officers, agencies, and employees of their Departments. These two Reorganization Plans are reproduced as Exhibit A and Exhibit B to this preface.

As background for the users of this digest, it may be useful to review briefly the historical organizational changes referred to above.

By the Act of February 9, 1871, the Congress recognized the national aspect in the conservation of fisheries by authorizing appointment of a Commissioner of Fish and Fisheries to study the decrease of the food fishes of the seacoasts and lakes of the United States, and to suggest remedial measures. The Commissioner was to be appointed by the President, with the advice and consent of the Senate, from among the civil officers or employees of the Government and was to serve without additional salary (16 Stat. 594). The sum of \$5,000 was appropriated to carry out the required study, with the money to be expended under the direction

of the Secretary of the Treasury (16 Stat. 503). (In the appropriation acts which followed there was no reference to Treasury.) In 1888, the original Act was amended to authorize a salary of \$5,000 per year for the Commissioner of Fish and Fisheries and to require that he not hold any other office or employment under the authority of the United States or any State (25 Stat. 1).

The Fish Commission and the Office of the Commissioner of Fish and Fisheries functioned as an independent establishment of the Government from February 9, 1871, to July 1, 1903, when, by the Act of February 14, 1903 (32 Stat. 827), the Fish Commission and the Office of the Commissioner of Fish and Fisheries were placed in the Department of Commerce and Labor which was created by the latter Act. That same Act transferred from the Department of the Treasury to the Department of Commerce and Labor jurisdiction, supervision and control over the fur-seal, salmon and other fisheries of Alaska (32 Stat. 828). Thereafter, this entity was called the Bureau of Fisheries.

By the Act of March 4, 1915 (37 Stat. 736), the Department of Commerce and Labor was divided into two separate departments and the Bureau of Fisheries remained with the Department of Commerce until July 1, 1939, when the 1939 Reorganization Plan No. II (53 Stat. 1433) transferred the Bureau of Fisheries to the Department of the Interior. This Plan also transferred to Interior from the Department of Agriculture the Bureau of Biological Survey.

The Bureau of Fisheries and the Bureau of Biological Survey, both in the Department of the Interior, were consolidated into one agency to be known as the Fish and Wildlife Service by the 1940 Reorganizational Plan No. III (54 Stat. 1232), which became effective June 30, 1940.

By the terms of the Fish and Wildlife Act of 1956, approved August 8, 1956 (70 Stat. 1119), there was established within the Department of the Interior to succeed the then existing Fish and Wildlife Service, the United States Fish and Wildlife Service consisting of two separate agencies, each with the status of a Federal Bureau, the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife.

Effective October 3, 1970, Reorganization Plan No. 4 of 1970 (84 Stat. 2090) transferred to the Secretary of Commerce the functions vested by law in the Bureau of Commercial Fisheries, and the functions vested by law in the Secretary of the Interior or the Department of the Interior which were then administered through the Bureau of Commercial Fisheries. Four functions of the Bureau of Commercial Fisheries were excluded from the transfer:

1. Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission

2. Missouri River Reservoir research
3. The Gulf Breeze Biological Laboratory at Gulf Breeze,
Florida
4. Trans-Alaska pipeline investigations

Also, transferred to the Secretary of Commerce by this Plan were the functions of Interior relating to migratory marine species of game fish as authorized by Public Law 86-359 (16 U.S.C. 760e-760g).

This Reorganization Plan is made a part of this preface as Exhibit C.

Staff members reading the text of these laws in the United States Code should be aware of the fact that the changes made by the 1939 Reorganization Plan which transferred fish and wildlife from Commerce and Agriculture to Interior were reflected in the Code generally by editorial changes to substitute Secretary of the Interior for Secretary of Commerce or Secretary of Agriculture. The justification for the change was then made in a footnote citing the Reorganization Plan. The editors of the United States Code in the 1970 Edition have not followed that practice except in the case of the transfer of authority concerning migratory marine species of game fish. The 1970 Edition has been left for the most part as it was prior to October 3, 1970, but with reference to Reorganization Plan No. 4 of 1970 as a footnote. An example of the footnote used is printed as Exhibit D to this preface.

In December 1973, NOAA submitted to the Law Revision Counsel a series of suggested editorial changes to bring the language of the United States Code into conformity with the transfers made by Reorganization Plan No. 4 of 1970. The Law Revision Counsel has advised that the suggested changes should be incorporated in the revised 1976 edition of the U.S. Code, which will be available in the last half of 1977.

REORGANIZATION PLAN NO. 3 OF 1950

Transmitted March
13, 1950.
Effective May 24,
1950.
63 Stat. 203.
5 U. S. C., Sup. III,
§ 133z note.

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949.

DEPARTMENT OF THE INTERIOR

SECTION 1. *Transfer of functions to the Secretary.*—(a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Secretary of the Interior all functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department.

5 U. S. C. § 1001
note; Sup. III, § 1001
et seq.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) in hearing examiners employed by the Department of the Interior, nor to the functions of the Virgin Islands Corporation or of its board of directors or officers.

SEC. 2. *Performance of functions of Secretary.*—The Secretary of the Interior may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of the Interior of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

SEC. 3. *Assistant Secretary of the Interior.*—There shall be in the Department of the Interior one additional Assistant Secretary of the Interior, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as the Secretary of the Interior shall prescribe, and who shall receive compensation at the rate prescribed by law for Assistant Secretaries of Executive departments.

SEC. 4. *Administrative Assistant Secretary.*—There shall be in the Department of the Interior an Administrative Assistant Secretary of the Interior, who shall be appointed, with the approval of the President, by the Secretary of the Interior under the classified civil service, who shall perform such duties as the Secretary of the Interior shall prescribe, and who shall receive compensation at the rate of \$14,000 per annum.

SEC. 5. *Incidental transfers.*—The Secretary of the Interior may from time to time effect such transfers within the Department of the Interior of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

44 STAT.] 81ST CONG., 2D SESS.—PLANS NOS. 5, 6—MAR. 13, 1950

1263

REORGANIZATION PLAN NO. 5 OF 1950¹

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949.

Transmitted March 13, 1950.
Effective May 24, 1950.
63 Stat. 203.
5 U. S. C., Sup. III, § 133z note.

DEPARTMENT OF COMMERCE

SECTION 1. *Transfer of functions to the Secretary.*—(a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Secretary of Commerce all functions of all other officers of the Department of Commerce and all functions of all agencies and employees of such Department.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) in hearing examiners employed by the Department of Commerce, nor to the functions of the Civil Aeronautics Board, of the Inland Waterways Corporation, or of the Advisory Board of the Inland Waterways Corporation.

5 U. S. C. § 1001
note; Sup. III, § 1001
et seq.

SEC. 2. *Performance of functions of Secretary.*—The Secretary of Commerce may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Commerce of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

SEC. 3. *Administrative Assistant Secretary.*—There shall be in the Department of Commerce an Administrative Assistant Secretary of Commerce, who shall be appointed, with the approval of the President, by the Secretary of Commerce under the classified civil service, who shall perform such duties as the Secretary of Commerce shall prescribe, and who shall receive compensation at the rate of \$14,000 per annum.

SEC. 4. *Incidental transfers.*—The Secretary of Commerce may from time to time effect such transfers within the Department of Commerce of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

Reorganization Plan No. 4 of 1970

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, July 9, 1970, pursuant to the provisions of chapter 9 of title 5 of the United States Code.¹

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SECTION 1. *Transfers to Secretary of Commerce.* The following are hereby transferred to the Secretary of Commerce:

(a) All functions vested by law in the Bureau of Commercial Fisheries of the Department of the Interior or in its head, together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau, exclusive of functions with respect to (1) Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission, (2) Missouri River Reservoir research, (3) the Gulf Breeze Biological Laboratory of the said Bureau at Gulf Breeze, Florida, and (4) Trans-Alaska pipeline investigations.

(b) The functions vested in the Secretary of the Interior by the Act of September 22, 1959 (Public Law 86-359, 73 Stat. 642, 16 U.S.C. 760e-760g; relating to migratory marine species of game fish).

(c) The functions vested by law in the Secretary of the Interior, or in the Department of the Interior or in any officer or instrumentality of that Department, which are administered through the Marine Minerals Technology Center of the Bureau of Mines.

(d) All functions vested in the National Science Foundation by the National Sea Grant College and Program Act of 1966 (80 Stat. 998), as amended (33 U.S.C. 1121 et seq.).

(e) Those functions vested in the Secretary of Defense or in any officer, employee, or organizational entity of the Department of Defense by the provision of Public Law 91-144, 83 Stat. 326, under the heading "Operation and maintenance, general" with respect to "surveys and charting of northern and northwestern lakes and connecting waters," or by other law, which come under the mission assigned as of July 1, 1969, to the United States Army Engineer District, Lake Survey, Corps of Engineers, Department of the Army and relate to (1) the conduct of hydrographic surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canals, and the Minnesota-Ontario border lakes, and the compilation and publication of navigation charts, including recreational aspects, and the Great Lakes Pilot for the benefit and use of the public, (2) the conception, planning, and conduct of basic research and development in the fields of water motion, water characteristics, water quantity, and ice and snow, and (3) the publication of data and the results of research projects in forms useful to the Corps of Engineers and the public, and the operation of a Regional Data Center for the collection, coordination, analysis, and the furnishing to interested agencies of data relating to water resources of the Great Lakes.

(f) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Secretary of Commerce of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Secretary of Commerce made by this section shall be deemed to include the transfer of authority, provided by law, to prescribe regulations relating primarily to the transferred functions.

SEC. 2. *Establishment of Administration.* (a) There is hereby established in the Department of Commerce an agency which shall be known as the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administration."

¹ Effective October 3, 1970, under the provisions of 5 U.S.C. 906.

(b) There shall be at the head of the Administration the Administrator of the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administrator." The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

(c) There shall be in the Administration a Deputy Administrator of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(d) There shall be in the Administration an Associate Administrator of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). The Associate Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator and Deputy Administrator. The office of Associate Administrator may be filled at the discretion of the President by appointment (by and with the advice and consent of the Senate) from the active list of commissioned officers of the Administration in which case the appointment shall create a vacancy on the active list and while holding the office of Associate Administrator the officer shall have rank, pay, and allowances not exceeding those of a vice admiral.

(e) There shall be in the Administration three additional officers who shall perform such functions as the Administrator shall from time to time assign or delegate. Each such officer shall be appointed by the Secretary, subject to the approval of the President, under the classified civil service, shall have such title as the Secretary shall from time to time determine, and shall receive compensation at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

(f) The President may appoint in the Administration, by and with the advice and consent of the Senate, two commissioned officers to serve at any one time as the designated heads of two principal constituent organizational entities of the Administration, or the President may designate one such officer as the head of such an organizational entity and the other as the head of the commissioned corps of the Administration. Any such designation shall create a vacancy on the active list and the officer while serving under this subsection shall have the rank, pay, and allowances of a rear admiral (upper half).

(g) Any commissioned officer of the Administration who has served under (d) or (f) and is retired while so serving or is retired after the completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade and rank held by him; but any such officer, upon termination of his appointment in a rank above that of captain, shall, unless appointed or assigned to some other position for which a higher rank or grade is provided, revert to the grade and number he would have occupied had he not served in a rank above that of captain and such officer shall be an extra number in that grade.

SEC. 3. *Performance of transferred functions.* The provisions of sections 2 and 4 of Reorganization Plan No. 5 of 1950 (64 Stat. 1263) shall be applicable to the functions transferred hereunder to the Secretary of Commerce.

SEC. 4. *Incidental transfers.* (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary of Commerce by this reorganization plan as the Director of the Office of Management and Budget shall determine shall be transferred to the Department of Commerce at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of the Environmental Science Services Administration shall become personnel, property, records, and unexpended balances of the National Oceanic and Atmospheric Administration or of such other organizational entity or entities of the Department of Commerce as the Secretary of Commerce shall determine.

(d) The Commissioned Officer Corps of the Environmental Science Services Administration shall become the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration. Members of the Corps, including those appointed hereafter, shall be entitled to all rights, privileges, and benefits heretofore available under any law to commissioned officers of the Environmental Science Services Administration, including those rights, privileges, and benefits heretofore accorded by law to commissioned officers of the former Coast and Geodetic Survey.

(e) Any personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of the Bureau of Commercial Fisheries not otherwise transferred shall become personnel, property, records, and unexpended balances of such organizational entity or entities of the Department of the Interior as the Secretary of the Interior shall determine.

SEC. 5. *Interim officers.* (a) The President may authorize any person who immediately prior to the effective date of this reorganization plan held a position in the executive branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to provisions of this reorganization plan or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator and authorize any such person to act as Associate Administrator.

(c) The President may similarly authorize a member of the former Commissioned Officer Corps of the Environmental Science Services Administration to act as the head of one principal constituent organizational entity of the Administration.

(d) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

SEC. 6. *Abolitions.* (a) Subject to the provisions of this reorganization plan, the following, exclusive of any functions, are hereby abolished:

(1) The Environmental Science Services Administration in the Department of Commerce (established by Reorganization Plan No. 2 of 1965, 79 Stat. 1318), including the offices of Administrator of the Environmental Science Services Administration and Deputy Administrator of the Environmental Science Services Administration.

(2) The Bureau of Commercial Fisheries in the Department of the Interior (16 U.S.C. 742b), including the office of Director of the Bureau of Commercial Fisheries.

(b) Such provisions as may be necessary with respect to terminating any outstanding affairs shall be made by the Secretary of Commerce in the case of the Environmental Science Services Administration and by the Secretary of the Interior in the case of the Bureau of Commercial Fisheries.

[F.R. Doc. 70-13375; Filed, Oct. 5, 1970; 8:45 a.m.]

TRANSFER OF FUNCTIONS

The Bureau of Commercial Fisheries in the Department of the Interior and the Office of Director of the Bureau were abolished by Reorganization Plan No. 4 of 1970, effective October 30, 1970,* 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees, which created the National Oceanic and Atmospheric Administration in the Department of Commerce and transferred to the Secretary of Commerce all functions formerly vested by law in the Bureau together with all functions formerly vested in the Secretary of the Interior or the Department of the Interior administered through the Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir Research, the Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigation. Such Reorganization Plan also transferred the marine sport fish program of the Bureau of Sport Fisheries and Wildlife.

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorganization Plan No. 3, section 1, 2, effective May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

* Footnotes referring to Reorganization Plan No. 4 of 1970 appearing in the 1970 edition of the United States Code uniformly give the effective date of the Plan as October 30, 1970. The correct effective date is October 3, 1970. Supplement I to the 1970 edition corrects this error.

Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Chronological List of Legislative Authorities

INDEX

Among persons involved with fisheries matters - Federal, State and industry - there is a tendency to use popular names for statutes which have no recognition by the Editors of the United States Code. For example, two specific statutes are often referred to as the Bartlett Act but there is no official recognition of that popular name in the Code. In this index the unofficial popular names in common use are referred to as "so-called" or "sometimes known as."

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DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
OFFICE OF SEA GRANT
AND
OFFICE OF COASTAL ZONE MANAGEMENT

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Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

During the War of 1812, Dr. James Tilton, the Surgeon General of the Army, ordered the first government collection of weather observations. Hospital surgeons were directed to observe the weather and maintain climatological records.

In 1849, Professor Joseph Henry of the Smithsonian Institution established an extensive observation network by supplying weather instruments to telegraph companies. Simultaneous observations were made by local telegraph operators and sent to the Smithsonian. Maps prepared from these observations were displayed in Washington, D.C.

In 1869, Congressman H. E. Paine of Wisconsin introduced a bill for the establishment of a national service under the Secretary of War. The bill, as Joint Resolution HR 143, which was passed on February 2, 1870, and signed by the President on February 9, 1870, authorized the Secretary of War to take observations at military stations and to warn of storms on the Great Lakes and on the Atlantic and Gulf Coasts. The weather operations were placed under the Signal Service.

In 1884, Congress appointed a Joint Commission to review the scientific work of the Government. The report of the Commission as issued in 1886, stated that the weather service did not belong in the military but should be considered as a civil activity because of its nature and character.

The Act of October 1, 1890 (26 Stat. 653) created the U.S. Weather Bureau in the Department of Agriculture by the transfer of meteorological functions from the Army Signal Corps.

On June 30, 1940, the Weather Bureau was transferred from the Department of Agriculture to the Department of Commerce by Reorganization Plan No. IV of 1940 (effective June 30, 1940, 5 F.R. 2421, 54 Stat. 1236).

Reorganization Plan No. 2 of 1965 (effective July 13, 1965, 30 F.R. 8819, 79 Stat. 1318) consolidated the Weather Bureau with the Coast and Geodetic Survey to form a new agency in the Department of Commerce to be known as the Environmental Science Services Administration (ESSA). The office of the Chief of the Weather Bureau was abolished by Reorganization Plan No. 2. All functions of the Bureau, the Chief of the Bureau, and the officers, employees, and organizational entities of the Bureau were transferred to the Secretary of Commerce.

ESSA was abolished by Reorganization Plan No. 4 of 1970 (effective October 3, 1970, 35 F.R. 15627, 84 Stat. 2090) which created the National Oceanic and Atmospheric Administration (NOAA) in the Department of Commerce. The Weather Bureau was transferred to NOAA and later renamed the National Weather Service.

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

List of Statutory Authorities

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Department of Commerce

National Oceanic and Atmospheric Administration

National Ocean Survey

Recognizing the need for assisting and encouraging domestic and foreign commerce, Congress passed the Act of 10 February 1807 (2 Stat. 413) which authorized President Thomas Jefferson to "cause a survey to be taken of the coast of the United States in which shall be designated the islands and shoals, with the roads or places of anchorage, within twenty leagues of any part of the shores of the United States; and also the respective courses and distances between the principal capes, or head lands, together with such other matters as he may deem proper for completing an accurate chart of every part of the coast within the extent aforesaid". The Act also provided for "such examinations and observations...with respect to St. Georges Bank, and any other bank or shoal and the soundings and currents beyond the distance (20 leagues) aforesaid to the Gulf stream, as...may be especially subserviant to the commercial interests of the United States".

The Act of 10 July 1832 (4 Stat. 570) which amended the Act of 10 February 1807, increased the geographic area of responsibility by including Florida, and authorized the President to "use all maps, charts, books, instruments and apparatus, which now, or hereafter may belong to the United States, and...such astronomers and other persons as he shall deem proper". Under the provisions of this Act vessels and personnel of the Navy Department were regularly employed on all hydrographic and oceanographic work. Commissioned officers of the Topographic Bureau of the War Department, with qualified civilian special assistants were employed on topographic and geodetic surveys. All activities, usually referred to as the "survey of the coast", were under the direction of a superintendent; and for administrative purposes all functions were placed under the Secretary of the Treasury. In 1836 the title was changed to "Coast Survey".

In 1842, a Congressional investigation concerning the administration of the Bureau resulted in a complete endorsement of the principals on which the work had been undertaken but recommended a permanent plan of organization. As a result Congress passed the Act of 3 March 1843 (5 Stat. 640) which authorized the President to "adopt and carry into effect the plan...agreed upon by a majority of...(the members of a special board of Coast Survey personnel)". The resulting plan approved by the President defined for the first time the form of

the organization and duties of its officers and employees. It also contained the foundation for the extensive system of geodetic control works and magnetic observations which are in effect today.

Realizing the desirability for providing the widest distribution for the increasing volume of new "maps and charts of the surveys of the coast of the United States", Congress passed the Act of 3 June 1844 (5 Stat. 660) authorizing the sale of maps and charts "at such prices and under such regulations as may from time to time be fixed by the said Secretary of the Treasury" (emphasis added). The Secretary immediately established the sale prices, based on cost studies by the Superintendent of the Coast Survey, on all maps and charts then available, and established the present system of distribution through contract sales agents. Later the Act of 20 June 1878 (20 Stat. 216) established the present practice of sales of charts "at the price of the printing and paper thereof...the average cost of delivery added thereto...(and limited free distribution) to the several States and officers of the United States requiring them for public use..." This form for determining sale prices for charts and free distribution was extended by the Act of 12 January 1895 (28 Stat. 620) to include authority for publication of reports, special publications, etc. "...in such editions as the interest of the Government and of the public may require".

Other pertinent legislation dealing with the sale and distribution of charts include the Acts of 3 March 1879 (20 Stat. 216), 23 August 1912 (37 Stat. 391), 1 July 1916 (39 Stat. 320), 6 August 1947 (61 Stat. 787), 9 July 1956 (70 Stat. 512) and 14 August 1964 (78 Stat. 446). Distribution procedures, as they relate to reimbursement for charts requested by other government agencies for official use, were modified by the Appropriation Act dated 22 October 1951 (65 Stat. 589). Similar procedures to govern the distribution of charts to federal agencies have been continued in the language of subsequent appropriation acts.

Other authorities utilized for the sale and distribution of nautical and aeronautical charts include authorities vested in the Secretary of Commerce, including the Act of 19 December 1942 (56 Stat. 1067) and the Act of 25 September 1970 (84 Stat. 864).

The Act of 3 March 1871 (16 Stat. 508) increased the geodetic responsibility of the Coast Survey for "extending the triangulation of the Coast Survey so as to form a geodetic connection between the Atlantic and Pacific coasts of the United States...(and for the determination of) points in each state of the union..." It was the apparent intention of this Act that the establishment of points in each state would be undertaken on a cooperative basis. The practice of cooperative aid to the states in the fields of surveying and mapping by the Survey has continued to present.

As a result of its increased responsibilities under the Act of 3 March 1871 (16 Stat. 508), the Bureau became generally known as the "Coast and Geodetic Survey". The latter was first used in the Act of 20 June 1878 (20 Stat. 216) as the title of a section, but the subsections still used the name "Coast Survey". The first instance of the use of "Coast and Geodetic Survey" as the official Bureau name occurs in the Act of 28 June 1879 (21 Stat. 37) which provides that one member of the Mississippi River Commission shall be appointed from the Bureau. In a Joint Resolution of 5 February 1889 (25 Stat. 1019), accepting an invitation to become party to the International Geodetic Association, the Bureau was referred to for the first time as the "United States Coast and Geodetic Survey". This resolution provided that the United States representative should be a member of the Bureau. Other legislation in which the full title "United States Coast and Geodetic Survey" is used was passed from time to time, as follows: Act of 28 July 1892 (27 Stat. 283, 309), Joint Resolution of 23 July 1894 (28 Stat. 587), Act of 28 January 1898 (30 Stat. 235), Act of 3 March 1901 (31 Stat. 1018), and the Act of 4 March 1907 (34 Stat. 1322).

Except for a short period in the Navy Department during the administration of President Jackson, the Bureau carried on its activities under the supervision of the Secretary of the Treasury. However, upon the formation of the Department of Commerce and Labor by the Act of 14 February 1903 (32 Stat. 826), the Bureau was transferred to the new Department. The duties of the Bureau had remained unchanged, except for their wider scope occasioned by the purchase of Alaska, the annexation of the Hawaiian Islands, and the National acquisition, in 1899, of the Philippine and other Spanish islands. When the Department of Commerce and Labor was separated into two departments by the Act of 4 March 1913 (37 Stat. 737), the Bureau remained in the Department of Commerce. Up to this time, the only new responsibilities assigned had been those of assisting the Fisheries Commissions of the States of Maryland, North Carolina, and Texas in special surveys related to the culture of shellfish.

For many years the Bureau had made a practice of maintaining seismographs at magnetic stations, in an attempt to determine the connection between earthquakes and magnetic anomalies. Seismograph records made available to seismologists proved to be so useful that the Congress by the Act of 31 January 1925 (43 Stat. 802) transferred the responsibility for all seismological investigations from the Weather Bureau to the Coast and Geodetic Survey. Although the authority to conduct seismological investigations still remains, the major effort in this field is presently accomplished by the Geological Survey, Department of Interior, pursuant to an agreement among the Department of Commerce, the Department of Interior and the National Science Foundation, dated May 27, 1973.

In 1926, Bureau functions were further enlarged by the Secretary of Commerce. The responsibility for charting airways and arranging for publication of maps of airways imposed upon him by the Air Commerce Act of 20 May 1926 (44 Stat. 568) was assigned to the Bureau by letter dated 24 July 1926. This Act, amended and revised, was eventually incorporated in the Civil Aeronautics Act of 1938 (52 Stat. 1026) and surveying, mapping, etc., of airways became the responsibility of the Administrator of the Civil Aeronautics Administration. Aeronautical charting activities originally carried on under the delegation of authority from the Secretary of Commerce were continued, by direction of the Civil Aeronautics Administrator, until CAA was transferred to the Department of Commerce by Reorganization Plan 4, effective 30 June 1940 (54 Stat. 1235), and, subsequently, to the Federal Aviation Agency by Act of 23 August 1958 (72 Stat. 806). Extensive cooperation continues with the FAA (redesignated the Federal Aviation Administration by Act of 15 October 1966 [80 Stat. 931]).

A lack of specific authority for basic activities acquired through the years by the Coast and Geodetic Survey resulted in the Act of 6 August 1947 (61 Stat. 788). This Act brought together under one title for the first time since the organic Act of 1807, the separate pieces of substantive legislation relating to the Coast and Geodetic Survey, and repealed five sections to title 56 revised statutes (1878) and six sections of chapter 17, title 33 U.S.C. (1926). However, even under the provisions of the Act of 6 August 1947, the activities of the Coast and Geodetic Survey were restricted to the coastal waters (including off-shore features), inland waters (not otherwise provided for by statute), and land areas of the United States, its territories and possessions. Through the Act of 5 April 1970 (74 Stat. 16), these geographical limitations were removed. Survey operations (including oceanographic, hydrographic and topographic) were now authorized in international waters, and within areas of foreign sovereignty when specifically approved or requested by the foreign government, and subject to all existing international agreements, treaties, and conventions.

Section 7 of the Act of 6 August 1947 had authorized the Secretary of Commerce "to accept gifts or bequests of money and other real and personal property for the purpose of aiding and facilitating the work of the Coast and Geodetic Survey..." Section 4(a)(2) of the Act of 2 October 1964 (78 Stat. 991), repealed this section and gave the Secretary of Commerce broader power to accept gifts and bequests "for the purpose of the Department of Commerce and other purposes".

Department of Commerce

National Oceanic and Atmospheric Administration

Commissioned Corps

The United States Coast and Geodetic Survey founded under the authority of the Act of 10 February 1807 (2 Stat. 413) regularly employed commissioned officers and personnel of the Armed Forces in carrying out its responsibilities in mapping and charting. The Act of 10 July 1832 (4 Stat. 570) provided inter alia for the employment of the vessels and personnel of the Navy Department on all hydrographic and oceanographic work. Additionally, commissioned officers of the Topographic Bureau of the War Department with qualified civilian special assistants were employed on topographic and geodetic surveys. In fact, at one time one-third of all Naval officers on active duty had been assigned to the Coast Survey for varying parts of their careers.

As a result of the First World War, Congress passed the Act of May 22, 1917 (40 Stat. 87) to "temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes". This Act also provided for the appointment by and with the advice and consent of the Senate of the field officers of the Coast and Geodetic Survey as hydrographic and geodetic engineers and established a system of equivalent ranks with counterparts in the Army and the Navy.

Shortly after the passage of the Act of May 22, 1917, a set of joint regulations signed by the Secretaries of War, Navy and Commerce, on August 27, 1917, specified the "duties to be performed by such of the personnel, vessels, equipment and stations of the United States Coast and Geodetic Survey, by Executive Order of the President of the United States in accordance with the provisions of section 16, Act of May 22, 1917". On September 24, 1917, three Coast and Geodetic Survey vessels, along with 38 commissioned officers, were transferred to the Navy. Additionally, 29 other commissioned officers were transferred to the War Department. Other personnel and ships were also transferred to and from the services by Executive Orders 2782, 2861, 3028, 3029 and 3044.

At the end of World War I the officers and ships of the Coast and Geodetic Survey returned to their primary task of nautical charting. The Act of January 19, 1942 (56 Stat. 8) was passed to "regulate the distribution and promotion of Commissioned Officers of the Coast and

Geodetic Survey and for other purposes". This Act dropped all mention of the term "relative rank" and established the percentage of officers in various grades from Ensign through Rear Admiral. Shortly after the passage of this Act ships and 94 officers of the Coast and Geodetic Survey were transferred to the War and Navy Departments. Once again, at the end of World War II the ships and officers of the Coast and Geodetic Survey returned to their primary task of nautical charting. Various legislation since the Act of January 19, 1942, has been passed to further define the status and entitlements of Coast and Geodetic Survey Commissioned Officers. These include the Act of July 26, 1947 (61 Stat. 501), the Act of March 29, 1944 (58 Stat. 130), the Act of October 14, 1966 (80 Stat. 907), the Act of December 31, 1970 (84 Stat. 1863).

Pursuant to Presidential Reorganization Plan No. 2 of 1965 (59 Stat. 1318) the Commissioned Corps of the Coast and Geodetic Survey was transferred to the Environmental Science Services Administration and became the Commissioned Corps of ESSA. Later by virtue of Reorganization Plan No. 4 of 1970, the ESSA Corps became the Commissioned Corps of the National Oceanic and Atmospheric Administration.

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National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Chronological List of Legislative Authorities

1. Office of Commissioner of Fish and Fisheries Established -
Propagation of Food Fishes and Investigations to Ameliorate
Predator Damage

16 U.S.C. 744, 745

The Act of February 9, 1871, established the Office of Commissioner of Fish and Fisheries and authorized the study of food fishes of the coasts and lakes in order to recommend conservation measures. Authorized the Commissioner to take fish specimens in marine areas and lakes regardless of any State law, custom or usage to the contrary. The Act of March 3, 1887 (an appropriation act for sundry civil expenses of the government) authorized the continuation of investigation of United States fisheries and the introduction by the United States Fish Commission into United States waters of food fishes, including shellfish. The Act of June 21, 1916, authorized investigations to ameliorate the damage to fisheries caused by dogfish and other predacious fishes and aquatic animals. The investigations to be such as to develop the best and cheapest means of taking such fishes and aquatic animals, of utilizing them for economic purposes, especially for food and to encourage the establishment of fisheries and markets for them.*

16 Stat. 593	Joint Resolution No. 22, 41st Cong.	Act of Feb. 9, 1871
24 Stat. 523	No Public Law Number	Act of March 3, 1887
39 Stat. 232	Public Law 100, 64th Cong.	Act of June 21, 1916

* A footnote refers to the transfer of functions accomplished by Reorganization Plan No. 4 of 1970.

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2. Details from the Coast Guard

16 U.S.C. 743

The Secretary of Transportation* is authorized to detail from time to time for duty under the Director of the Fish and Wildlife Service* any officers and men of the Coast Guard whose services can be spared for such duty.

23 Stat. 494

No Public Law Number

Act of March 3, 1885

*When enacted in 1885, this statute authorized the Secretary of the Treasury to detail officers and men of the Revenue Marine Service for duty under the Commissioner of Fish and Fisheries. Since that time a series of statutes and reorganization plans have made organization changes so that the 1970 Code carries the authority as permitting the Secretary of Transportation to detail officers and men of the Coast Guard for duty under the Director of the Fish and Wildlife Service. Reorganization Plan No. 4 of 1970 would substitute Secretary of Commerce for Director of the Fish and Wildlife Service in this instance.

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3. Sponge Act

16 U.S.C. 781-785

Regulates the taking or catching of sponges in the waters of the Gulf of Mexico and Straits of Florida outside of State jurisdiction. Also regulates the landing, delivery, curing, selling, or possession of sponges. Sets minimum wet size of sponges allowed to be taken, landed, delivered, cured, sold, or processed at five inches maximum diameter; provides maximum fine of \$500 and a lien against vessel used in committing violation; vests Secretary of the Interior with responsibility for enforcing the Act and authorizes him to request the use of Coast Guard craft and employees of Customs Service to assist in enforcement. The Act of August 15, 1914, repealed an earlier act for the regulation of the sponge fishery (Act of June 20, 1906; 34 Stat. 313). The amendment made by the Act of August 4, 1949, concerned only a change from the Revenue Cutter Service to the Coast Guard in describing enforcement procedures.*

38 Stat. 692	Public Law 172, 63rd Cong.	Act of August 15, 1914
63 Stat. 495, 561	Public Law 207, 81st Cong.	Act of August 4, 1949

* The Act as approved in 1914 placed the enforcement authority in the Secretary of Commerce. The language in U.S.C. places the authority in the Secretary of the Interior by editorial change supported by citation to various Reorganization Plans. The 1970 Edition, U.S.C., fails to include the transfer from Interior to Commerce by Reorganization Plan No. 4 of 1970.

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4. Federal Power Act

16 U.S.C. 811

Provides that the Federal Power Commission shall require a licensee under the Act to construct, maintain, and operate, at the expense of the licensee, such fishways as may be prescribed by the Secretary of the Interior.*

41 Stat. 1073	Public Law 280, 66th Cong.	Act of June 10, 1920
49 Stat. 845	Public Law 333, 74th Cong.	Act of August 26, 1935
53 Stat. 1433	1939 Reorg. Plan No. II	Effective July 1, 1939

* The Act as approved in 1920, and as amended in 1935, provided that the Secretary of Commerce would prescribe the fishways. The language in the 1970 Edition, U.S.C., places this responsibility in the Secretary of the Interior by editorial change supported by citation to 1939 Reorganization Plan No. II, but fails to include the transfer from Interior to Commerce effected by Reorganization Plan No. 4 of 1970.

5. Propagation of Mussels

16 U.S.C. 750-751

Authorizes the establishment of a station on the Mississippi River for the rescue of fishes and the propagation of mussels in connection with fish-rescue operations throughout the Mississippi Valley.**

42 Stat. 501	Public Law 203, 67th Cong.	Act of April 28, 1922
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** A footnote refers to the transfer of functions accomplished by Reorganization Plan No. 4 of 1970.

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6. The Black Bass Act, as amended

16 U.S.C. 851-856

This Act makes it unlawful to transport to or from States, Territories, the District of Columbia, or a foreign country, any black bass or other fish caught, killed, taken, sold, purchased, possessed, or transported, at any time contrary to the law of the State, Territory, the District of Columbia, or a foreign country where such acts were committed. The Act also authorizes enforcement procedures.*

44 Stat. 576	Public Law 256, 69th Cong.	Act of May 20, 1926
46 Stat. 845	Public Law 495, 71st Cong.	Act of July 2, 1930
61 Stat. 517	Public Law 258, 80th Cong.	Act of July 30, 1947
66 Stat. 736	Public Law 569, 82nd Cong.	Act of July 16, 1952
73 Stat. 430	Public Law 86-207	Act of August 25, 1959
83 Stat. 275	Public Law 91-135	Act of December 5, 1969

* The 1926 Act did not name an enforcement agency but the 1930 amendment named the Secretary of Commerce. The next amendment in 1947 followed the transfer of fish and wildlife to Interior from Commerce and Agriculture, respectively, so Interior is named thereafter. The 1970 Edition of the U.S.C. cites the 1939 Reorganization Plan No. II but fails to cite Reorganization Plan No. 4 of 1970.

7. Fisheries Construction and Maintenance
(No Code Citation)

Act of May 21, 1930, authorizes a 5-year construction and maintenance program for the Bureau of Fisheries. Although the 5-year period contemplated by this Act has expired, some provisions have been incorporated by reference in a later enactment. (See Columbia River Fishery Development Program, infra.; page 8.)

46 Stat. 371	Public Law 240, 71st Cong.	Act of May 21, 1930
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8. Fishery Cooperative Associations

15 U.S.C. 521-522

The Act of June 25, 1934, authorizes the formation of fishery marketing cooperatives and provides for their administration.

48 Stat. 1213 Public Law 464, 73rd Cong. Act of June 25, 1934

(Note: The Act as approved in 1934 placed the responsibility for administering the Act in the Secretary of Commerce. The language in the 1970 Edition, U.S.C., substitutes the Secretary of the Interior by editorial change supported by citation to 1939 Reorganization Plan No. II. The U.S.C. fails to include the transfer from Interior to Commerce effected by Reorganization Plan No. 4 of 1970.)

9. Fish and Wildlife Coordination Act, as amended

16 U.S.C. 661-666c

Authorizes the Secretary of the Interior to cooperate with Federal, State, and public or private agencies in the conservation and development of fish and wildlife resources affected by water-resource development programs. He is further authorized to make reports and recommendations on wildlife aspects of such projects based on surveys and investigations to be conducted by the Fish and Wildlife Service. These reports and recommendations are made an integral part of the report prepared by any Federal agency, responsible for engineering surveys and construction of such projects, to be presented to Congress or authorizing agency.*

48 Stat. 401	Public Law 121, 73rd Cong.	Act of March 10, 1934
60 Stat. 1080	Public Law 732, 79th Cong.	Act of August 14, 1946
62 Stat. 497	Public Law 697, 80th Cong.	Act of June 19, 1948
72 Stat. 563	Public Law 85-624	Act of August 12, 1958
79 Stat. 216	Public Law 89-72 (sec. 6(b))	Act of July 10, 1965

* In the original 1934 Act the Secretaries of Agriculture and Commerce were given the responsibility for the activities authorized in the Act. Subsequent amendments followed the transfer to Interior of responsibilities for fish from Commerce and wildlife from Agriculture so the statutes named the Secretary of the Interior. The 1970 Edition of the U.S.C. cites 1939 Reorganization Plan No. II and 1940 Reorganization Plan No. III but fails to cite Reorganization Plan No. 4 of 1970.

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10. The Northern Pacific Halibut Act of 1937, as amended

16 U.S.C. 772-772j; 22 U.S.C. 2672a - 2672b.

Authority to enforce provisions of the Convention between the United States and Canada for the preservation of the halibut fishery of the North Pacific Ocean and the Bering Sea. Authorizes the Secretary of State to provide, by contract, grant, or otherwise, facilities for office and any other necessary space for the International Pacific Halibut Commission, on or near the campus of the University of Washington in the State of Washington. An appropriation of not to exceed \$500,000 was authorized.*

50 Stat. 325	Public Law 169, 75th Cong.	Act of June 28, 1937
67 Stat. 494	Public Law 228, 83rd Cong.	Act of August 8, 1953
79 Stat. 902	Public Law 89-233	Act of October 1, 1965

* The original Act provided that enforcement was the responsibility of the Bureau of Fisheries, among others, and that joint regulations were to be promulgated by the Secretary of the Treasury and the Secretary of Commerce. The language in the 1970 Edition, U.S.C., substitutes Fish and Wildlife Service and Secretary of the Interior by editorial change supported by citation to 1939 Reorganization Plan No. II and 1940 Reorganization Plan No. III but fails to cite Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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11. Columbia River Basin Fishery Development Program (sometimes known as the Mitchell Act)

16 U.S.C. 755-757

Establish salmon cultural stations in Washington, Oregon, and Idaho. Conduct necessary investigations and engineering and biological surveys and experiments as necessary, to conserve the fishery resources of the Columbia River and its tributaries; construct and install devices in the Columbia River Basin for the improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects, and for facilitating free migration of fish over obstructions; to perform all other activities necessary for the conservation of fish in the Columbia River Basin; and to utilize the facilities and services of the agencies of the States of Washington, Oregon, and Idaho responsible for the conservation of the fish and wildlife resources in such States in carrying out the authorizations and duties imposed by the Act.*

52 Stat. 345	Public Law 502, 75th Cong.	Act of May 11, 1938
60 Stat. 932	Public Law 676, 79th Cong.	Act of August 8, 1946

* The authority in the 1938 Act ran to the Secretary of Commerce while the 1946 amendment named the Secretary of the Interior. The 1970 Edition, U.S.C., continues language naming the Secretary of Interior. The Code cites 1939 Reorganization Plan No. II and 1940 Reorganization Plan No. III but does not cite Reorganization Plan No. 4 of 1970.

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12. Acquisition and Disposal of Surplus Fishery Products

15 U.S.C. 713c-2
15 U.S.C. 713c-3
7 U.S.C. 612c
16 U.S.C. 742e
23 F.R. 2304

Authorizes the Secretary of Agriculture to divert surplus domestic fishery products from the normal channels of trade and commerce by acquiring them and providing for their distribution through Federal, State, and private relief channels. By a Memorandum of Understanding signed by the Acting Secretary of the Interior on May 22, 1958, and by the Acting Secretary of Agriculture on July 1, 1958, in order to avoid uneconomical and duplicate activity in fishery products procurement and distribution, which could have occurred by reason of the transfer authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742e), it was agreed the Department of the Interior will request the Department of Agriculture to handle procurement and disposition of surplus fishery products for which a program of surplus products disposal is determined to be necessary. Such determination is to be made by the Secretary of the Interior who will then transfer the necessary funds to the Secretary of Agriculture to carry out the program. (Earlier provisions on the subject of acquisition and disposal of surplus fishery products may be found in 50 Stat. 27, 50 Stat. 61, and 52 Stat. 441.)*

53 Stat. 1411	Public Law 393, 76th Cong.	Act of August 11, 1939
68 Stat. 376	Public Law 466, 83rd Cong.	Act of July 1, 1954
70 Stat. 1124	Public Law 1024, 84th Cong.	Act of August 8, 1956
79 Stat. 1311	Public Law 89-348	Act of November 8, 1965

* The 1970 Edition, U.S.C., continues the title "Secretary of the Interior" without reference by footnote to Reorganization Plan No. 4 of 1970. The 1958 Memorandum of Understanding between Agriculture and Interior is apparently still in effect and has not been updated to reflect Reorganization Plan No. 4 of 1970. Also, see statement included herein with the discussion of the Fish and Wildlife Act of 1956.

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13. Atlantic States Marine Fisheries Commission

16 U.S.C. 667a

This Resolution authorized the named States to enter into a compact for cooperative effort and mutual assistance for the uniform, common or mutual regulation of fishing in the territorial waters and bays and inlets of the Atlantic Ocean on which such named States border or have jurisdiction. The subsequent interstate compact, as amended, (56 Stat. 267, Public Law 539, 77th Cong., Act of May 4, 1942; 64 Stat. 467, Public Law 721, 81st Cong., Act of August 19, 1950), designated the Fish and Wildlife Service as the primary research agency to promote better utilization of the Atlantic coast fish and shellfish resources.*

54 Stat. 261

Public Resolution 79, 76th Cong.

Joint Resolution
of June 8, 1940

* Of the three Acts pertaining to this Compact, only the first has been codified. The reference to the Fish and Wildlife Service is contained in one of the Acts not codified. Therefore, there is no way to indicate by footnote reference to Reorganization Plan No. 4 of 1970, that the responsibilities have now been transferred to the Secretary of Commerce.

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14. Exchange of Equipment as Part Payment for Other Equipment

16 U.S.C. 752

The Fish and Wildlife Service may exchange motor-propelled and horse-drawn vehicles, tractors, road equipment, boats, aircraft, typewriters, computing or duplicating machines, or parts, accessories, tires, or equipment there, in part payment for other equipment as listed.

55 Stat. 357	Public Law 136, 77th Cong.	Act of June 28, 1941
56 Stat. 557	Public Law 645, 77th Cong.	Act of July 2, 1942

When enacted in 1941, the statute made the grant of authority to the Fish and Wildlife Service. By reason of Reorganization Plan No. 4 of 1970, the Secretary of Commerce would be substituted for the Fish and Wildlife Service in this instance.

15. Commutation of Rations for Officers and Crews of Vessels

16 U.S.C. 764

Commutation of rations (not to exceed \$1 per man per day) may be paid to officers and crews of vessels of the Fish and Wildlife Service. Deductions from the salaries of officers and crews for quarters and rations furnished on vessels need not be made.

55 Stat. 357	Public Law 136, 77th Cong.	Act of June 28, 1941
56 Stat. 557	Public Law 645, 77th Cong.	Act of July 2, 1942

When enacted in 1941, the statute designated the vessels concerned as those of the Fish and Wildlife Service. By reason of Reorganization Plan No. 4 of 1970 the vessels now concerned would be those operated by the Secretary of Commerce in carrying out the duties formerly carried out by the Fish and Wildlife Service.

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16. Sockeye Salmon or Pink Salmon Fishery Act of 1947, as amended

16 U.S.C. 776-776f

Provides for implementation and enforcement of the terms of the Convention between the United States of America and the Dominion of Canada for the protection, preservation, and extension of the sockeye salmon fisheries of the Fraser River system, signed at Washington on the 26th day of May 1930, as amended by the protocol to the convention signed at Ottawa on the 28th day of December 1956, which added pink salmon. The Act was amended October 18, 1972, to provide an additional appropriation authorization of \$7,000,000 for the United States share of costs and expenses incident to the development and construction of salmon enhancement facilities pursuant to the program approved by the Commission for restoration and extension of the sockeye and pink salmon stocks of the Fraser River system.*

61 Stat. 511	Public Law 255, 80th Cong.	Act of July 29, 1947
71 Stat. 293	Public Law 85-102	Act of July 11, 1957
86 Stat. 907	Public Law 92-504	Act of October 18, 1972

* The Act provides that the President shall designate a Federal agency which shall be responsible for the enforcement of the provisions of the Convention, the Act, and regulations of the Commission. By executive order on September 22, 1947, (3 C.F.R. 666) the President designated the Fish and Wildlife Service. The Act itself, in section 6(d) refers to the "Fish and Wildlife Service of the Department of the Interior" in establishing procedures for arrests, searches and seizures. The codification of this Act in the U.S.C. does not include a reference or footnote to Reorganization Plan No. 4 of 1970.

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16A. Agricultural Marketing Act of 1946

7 U.S.C. 1621-1627

Designed to promote a scientific approach to the problems of marketing, transportation, and distribution of agricultural products, wherein agricultural products include fish and shellfish and any products thereof including processed and manufactured products. The Act requires a determination of methods of processing, packaging and marketing and their publication. Costs, improvement of standards of quality and condition, development of new markets, elimination of artificial barriers to free movement, and increasing consumer education are also called for in the Act. In addition, the Act requires inspection and certification of products in interstate commerce, collection and dissemination of marketing statistics, development of procurement standards and specifications, and promotion of research for handling storage and preservation of products. Funding is provided the Secretary of Agriculture annually as deemed necessary by Congress.*

60 Stat. 1087 P.L. 733, 79th C. Act of August 14, 1946

69 Stat. 553 P.L. 272, 84th C. Act of August 9, 1955

When enacted in 1946, the statute made the grant of authority to the Secretary of Agriculture. On March 22, 1958 (23 F.R. 2304), the Director of the Bureau of the Budget transferred all functions of the Department of Agriculture which pertain to fish, shellfish and any products thereof (now performed under 7 U.S.C. 1621-1627), to the Department of Interior, consistent with various provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742e). The 1970 Reorganization Plan No. IV subsequently transferred these functions to the Secretary of Commerce (NOAA/NMFS). The Code (1970) does not cite these changes in program responsibility.

*In 1958, BOB (now OMB) transferred funds in the amount of \$5,000 from Department of Agriculture (.03% of the 1958 Marketing Services financing estimate) to DOI/Bureau of Commercial Fisheries. No funds are currently being made available to NOAA/NMFS under this authority. Also, see statement included herein with the discussion of the Fish and Wildlife Act of 1956.

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17. Exploration, Investigation, Development, and Maintenance of Fishing Resources and Industry of Pacific Ocean (sometimes known as the "Farrington Act of 1947, as amended")

16 U.S.C. 758-758a

Authorizes and directs the Secretary of the Interior, through the Fish and Wildlife Service of the Department of the Interior, to conduct such fishing explorations and such necessary related work as oceanographical, biological, technological, statistical, and economic studies to insure maximum development and utilization of the high seas fishery resources of the United States and its island possessions in the tropical and subtropical Pacific Ocean and intervening areas as may be consistent with developing and sustaining such fishery resources at maximum levels of production in perpetuity and to provide for the best possible utilization thereof. The Secretary may cooperate with the appropriate agencies of the State and island governments, and with educational, industrial, or other organizations, enterprises, and individuals. The Act authorizes appropriations for construction and equipping a fishery research laboratory and experiment station in the State of Hawaii and substations at suitable locations. Certain fishing and research vessels are also authorized.*

61 Stat. 726
74 Stat. 412

Public Law 329, 80th Cong.
Public Law 86-624

Act of August 4, 1947
Act of July 12, 1960

* The 1970 Edition, U.S.C. continues the reference to the Secretary of the Interior and the Fish and Wildlife Service without a footnote reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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18. Gulf States Marine Fisheries Commission

Not Codified

Resolution granting the consent and approval of Congress to an interstate compact relating to the better utilization of the fisheries (marine, shell, and anadromous) of the Gulf coast and creating the Gulf States Marine Fisheries Commission. The compact designates the Fish and Wildlife Service of the Department of the Interior as the primary research agency of the Commission cooperating with the research agencies of each named State.*

63 Stat. 70	Public Law 66, 81st Cong.	Joint Resolution of May 19, 1949
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* Since the Act has not been codified there is no mechanism for indicating the transfer of responsibilities effected by Reorganization Plan No. 4 of 1970.

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19. Atlantic Coast Shad Study

16 U.S.C. 759

Authorizes the Secretary of the Interior to undertake, through the Fish and Wildlife Service, a comprehensive and continuing study of the shad of the Atlantic coast for the purpose of recommending to the Atlantic Coast States, through the Atlantic States Marine Fisheries Commission, measures to be taken to arrest decline, increase the abundance, and to promote the wisest utilization of such shad resources at a cost of not to exceed \$75,000 per annum for a six-year period.*

63 Stat. 616 Public Law 249, 81st Cong. Act of August 18, 1949

* While this authority has now expired, the text of the Act is still carried in the 1970 Edition, U.S.C., with no reference or footnote to Reorganization Plan No. 4 of 1970 and the transfers effected by it.

20. Whaling Convention Act of 1949

16 U.S.C. 916-916 1; 22 U.S.C. 2672a - 2672b.

Provides for the licensing, enforcement of regulations, and research to assist the International Whaling Commission established by the International Convention for the Regulation of Whaling signed at Washington, December 2, 1946.**

64 Stat. 421 Public Law 676, 81st Cong. Act of August 9, 1950

** The text of the law as it appears in the 1970 Edition, U.S.C., continues the terms "Secretary of the Interior" and "Fish and Wildlife Service" without reference or footnote to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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21. Federal Aid in Fish Restoration Act (sometimes known as the Dingell-Johnson Act)

16 U.S.C. 777-777k

This is a Federal grant-in-aid authorization designed to help the States solve their sport fishery problems. The Secretary of the Interior is authorized and directed to cooperate with the States in fish restoration and management projects. Such projects must be substantial in character and design and may include investigations to produce information for solving fish restoration and management problems; acquisition of land and waters to increase public fishing opportunities; and development to create new waters and to increase productivity in existing waters. Funds for the program are derived from a 10% Federal excise tax on fishing rods, creels, reels, and artificial lures, baits and flies. Apportionment is made to the States according to a formula based upon both the ratio of the area of each State and the ratio of the number of sport fishing licenses issued in each State. The Federal share cannot exceed 75% of the cost of a project. In order to participate, a State must have fishery conservation laws including a prohibition against the use of license fees paid by fishermen for any purpose other than the administration of that State's fish and game department.

64 Stat. 430	Public Law 681, 81st Cong.	Act of August 9, 1950
70 Stat. 473	Public Law 640, 84th Cong.	Act of July 2, 1956
70 Stat. 908	Public Law 896, 84th Cong.	Act of August 1, 1956
73 Stat. 143	Public Law 86-70	Act of June 25, 1959
74 Stat. 413	Public Law 86-624	Act of July 12, 1960
79 Stat. 1311	Public Law 89-348	Act of November 8, 1965
84 Stat. 1101	Public Law 91-503	Act of October 23, 1970

* The 1950 Act, as amended, names the Secretary of the Interior and the codification in the 1970 Edition, U.S.C., carries no footnote or other reference to Reorganization Plan No. 4 of 1970 or the transfers of authority accomplished by it. However, the Presidential transmittal message of July 9, 1970, indicated that the reasons for the transfers accomplished by that Reorganization Plan were stated "in a more extended accompanying message". The accompanying message (also dated July 9, 1970, House Document No. 91-366) stated that the creation of NOAA in the Department of Commerce would permit a unified approach for exploration and development of the oceans and atmosphere leading to the intelligent use of our marine resources. The message described the components of NOAA by listing the organizations that would be moved into NOAA by the plan. In the listing some organizations were listed as "Elements of..." but in the case of the marine sport fish program there was no such limiting language. The third item in the listing was "The marine sport fish program of the Bureau of Sport Fisheries and Wildlife (from the Department of the Interior)."

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22. Atlantic Coast Fish Study for Development and Protection of Fish Resources

16 U.S.C. 760a-760c

Directs the Secretary of the Interior to undertake a comprehensive and continuing study of species of fish of the Atlantic coast, including bays, sounds, and tributaries, for the purpose of recommending to the States of the Atlantic coast appropriate measures for the development and protection of such resources and their wisest utilization, whether for sport or commercial fishing or both. An annual appropriation not in excess of \$250,000 is authorized.*

64 Stat. 474 Public Law 730, 81st Cong. Act of August 25, 1950

* The language contained in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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23. Tuna Conventions Act of 1950

16 U.S.C. 951-961; 22 U.S.C. 2672a - 2672b.

Provides for the appointment of Commissioners and Advisory Committees for the International Commission for the Scientific Investigation of Tuna and the Inter-American Tropical Tuna Commission. Authorizes the approval or disapproval of annual programs of the Commissions and regulations of the Commissions requiring the submission of records of operations by persons participating in the fishery covered by the Conventions. Authorizes cooperation of Federal agencies with the Commissions in the conduct of scientific programs. (The International Commission for the Scientific Investigation of Tuna is not active.) The Act of October 15, 1962, amending the Act of September 7, 1950, authorizes the Secretary of the Interior to issue regulations to carry out recommendations of the Inter-American Tropical Tuna Commission, upon approval of such recommendations by the Secretaries of State and Interior, concerning proposals designed to keep the populations of tuna at levels of abundance which will permit the maximum sustained catch. Regulations may also be issued with the concurrence of the Secretary of State prohibiting the entry into the United States of fish from any country whose vessels are being used in a manner that tends to diminish the effectiveness of the Commission's conservation recommendations.*

64 Stat. 777	Public Law 764, 81st Cong.	Act of September 7, 1950
76 Stat. 923	Public Law 87-814	Act of October 15, 1962
86 Stat. 787	Public Law 92-471	Act of October 9, 1972

* The language contained in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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24. The Defense Production Act of 1950 as implemented by Executive Order 10480 (August 14, 1953) and Executive Order 11490 (October 28, 1969)

50 App. U.S.C. 2153; 3 CFR 1949-1953 Comp., p. 962; 3 CFR 1966-1970 Comp., p. 820.

The Defense Production Act provides that the President may delegate his authority under that Act. By Executive Orders 10480 and 11490 the Department of Agriculture is delegated the responsibility for emergency preparedness planning and execution of mobilization and management programs for the overall food resources of the Nation. The Secretary of Agriculture delegated to the Secretary of Commerce responsibility and authority for the production and processing of fish and fishery products, and certain related claimant functions. Under these delegations the National Marine Fisheries Service (NMFS) carries on emergency preparedness programs pertaining to the production or harvesting of fish, shellfish, and marine resources. This responsibility includes the preparation of fishery production data maintained at the National Resource Evaluation Center and the planning for and reporting of natural disasters and civil disturbances which may affect the commercial fisheries industry and NMFS installations.

64 Stat. 816 Public Law 774, 81st Cong. Act of September 8, 1950

(Successive Acts have extended the termination date of the Act of September 8, 1950.)

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25. Northwest Atlantic Fisheries Act of 1950

16 U.S.C. 981-991

Authorizes enforcement of the provisions of the International Convention for the Northwest Atlantic Fisheries (ICNAF). The 1968 amendment added a new definition to include all forms of animal life (mammals) covered by the Convention. The 1971 amendment brings the Act into accord with two new protocols to the Convention which provide that a signatory Government is deemed to have approved a proposal for regulation unless it objects within a specified period and that authorized inspectors from any signatory nation can enforce the conservation regulations with regard to nationals and vessels of all signatory nations in the area covered by the Convention. The amendment also provides for the designation of Alternate Commissioners by the Secretary of State in consultation with the Secretary of Commerce. Other provisions of the amendment bring the Act into conformity with Reorganization Plan No. 4 of 1970.

The 1973 amendment permits U.S. participation in international enforcement of fish conservation in additional geographical areas (off the Mid Atlantic coast from Long Island to Cape Hatteras) pursuant to ICNAF. Also, requires payment for travel expenses and per diem incident to attendance at meetings of the ICNAF for not more than five members of the industry advisory committee.

64 Stat. 1067	Public Law 845, 81st Cong.	Act of September 27, 1950
82 Stat. 419	Public Law 90-420	Act of July 24, 1968
85 Stat. 310	Public Law 92-87	Act of August 11, 1971
88 Stat. 293	Public Law 93-339	Act of July 10, 1973

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26. Act of July 1, 1954, as amended (sometimes known as the Saltonstall-Kennedy (S-K) Act of 1954)

15 U.S.C. 713c-3

The Act of July 1, 1954, was enacted as an amended section 2 of the Act of August 11, 1939 (53 Stat. 1411). The 1939 Act dealt only with the purchase and distribution of surplus fishery products. The broader 1954 Act directs the Secretary of Agriculture to transfer annually to the Secretary of the Interior, from funds made available under the terms of section 32 of the Agricultural Adjustment Act (7 U.S.C. 612c), an amount equal to 30 percent of the gross receipts from customs duties collected on fishery products. Such funds are to be maintained in a separate fund and used by the Secretary of the Interior to promote the free flow of domestically produced fishery products by conducting a fishery educational service, and technological, biological and related research programs. The funds may also be used for purchase or other acquisition, construction, equipment, operation, and maintenance of vessels or other facilities for conducting the research authorized. The funds may also be used to develop and increase markets for domestic fishery products and to conduct biological, technological, or other research pertaining to American fisheries. Agencies of the United States and Government Corporations are authorized to transfer to the Secretary, without reimbursement, vessels or equipment for the activities authorized.

The Secretary is directed to cooperate with appropriate agencies of Federal State, and local governments, private agencies, organizations, and individuals having an interest in fisheries in carrying out the activities authorized by the Act.

The Secretary is authorized to retransfer to Agriculture not more than \$1.5 million to be used for the purchase and distribution of surplus fishery products (see Acquisition and Disposal of Surplus Fishery Products, page 9).*

68 Stat. 376	Public Law 466, 83rd Cong.	Act of July 1, 1954
70 Stat. 1124	Public Law 1024, 84th Cong.	Act of August 8, 1956
79 Stat. 1311	Public Law 89-348	Act of November 8, 1965

* The 1970 Edition, U.S.C., continues the title "Secretary of the Interior" without reference by footnote to Reorganization Plan No. 4 of 1970.

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27. North Pacific Fisheries Act of 1954, as amended

16 U.S.C. 1021-1032

Authorizes the Secretary of Commerce to administer and enforce the provisions of the International Convention for the High Seas Fisheries of the North Pacific Ocean and a protocol relating thereto, to which the United States, Canada, and Japan are parties. Enforcement activities under the Act relating to vessels engaged in fishing and subject to the jurisdiction of the United States are primarily the responsibility of the Secretary of the Department in which the Coast Guard is operating, in cooperation with the Secretary of Commerce. Any agency of the Federal Government is authorized, upon request of the International North Pacific Fisheries Commission, to cooperate in the conduct of scientific and other programs.

68 Stat. 698	Public Law 579, 83rd Cong.	Act of August 12, 1954
71 Stat. 310	Public Law 85-114	Act of July 24, 1957
86 Stat. 784	Public Law 92-471	Act of October 9, 1972

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28. Agricultural Trade Development and Assistance Act of 1954, as amended (sometimes known as Public Law 480)

7 U.S.C. 1704 (b)(3)

The Act authorizes the use of foreign currencies which accrue from the sales of surplus agricultural commodities for the conduct and support of scientific activities overseas and to collect, collate, translate, abstract, and disseminate scientific and technological information, and to promote and support programs of medical and scientific research, cultural and educational development, health, nutrition, and sanitation. This particular authorization requires that there be specific appropriations for the use of such foreign currencies. The Bureau of Commercial Fisheries received its first appropriation under this authority in the budget for the fiscal year ending June 30, 1962. Funds have been made available to the National Marine Fisheries Service under this authority since its creation by Reorganization Plan No. 4 of 1970.

68 Stat. 456	Public Law 480, 83rd Cong.	Act of July 10, 1954
72 Stat. 275	Public Law 85-477	Act of June 30, 1958
73 Stat. 258	Public Law 86-108	Act of July 28, 1959
73 Stat. 607	Public Law 86-341	Act of Sept. 21, 1959
80 Stat. 1529	Public Law 89-808	Act of Nov. 11, 1966

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29. Fishery Education

16 U.S.C. 760d

Authorizes the Secretary of the Interior to make grants to educational institutions to promote education and training of scientists, technicians and teachers needed in the field of commercial fishing. Funds appropriated are to be apportioned by the Secretary among the States and Territories taking into account the extent of the fishing industry within each State and Territory as compared with the total fishing industry of the United States. An annual appropriation not in excess of \$550,000 is authorized. This Act also amended the Vocational Education Act of 1946 to authorize assistance to the States and Territories in the development of vocational education in the fishery trades. This section was codified at 20 U.S.C. 15j (a)(5) but was repealed by the Act of October 16, 1968.*

70 Stat. 1126
82 Stat. 1091

Public Law 1027, 84th Cong.
Public Law 90-576

Act of August 8, 1956
Act of October 16, 1968

* The language contained in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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30. Fish and Wildlife Act of 1956

16 U.S.C. 742a-742k; (also: 15 U.S.C. 713c-3(e); 15 U.S.C. 713c-3 Note: 23 F.R. 2304)

The Act, as amended, contains a Congressional declaration of policy to the effect that fish and wildlife resources make a material contribution to the national economy and food supply and that the fishing industry can fulfill its proper function in national life only with the satisfaction of fundamental needs of freedom of enterprise, protection of opportunity, and assistance consistent with that provided by Government for industry generally.

The original Act established within the Department of the Interior, the United States Fish and Wildlife Service composed of the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife. Functions were distributed between the two Bureaus with the Bureau of Commercial Fisheries responsible for commercial fisheries, whales, seals, and sea lions, and related matters. The Bureau of Sport Fisheries and Wildlife functions are migratory birds, game management, wildlife refuges, sport fisheries, sea mammals (except whales, seals, and sea lions), and related matters.

The Act provides for a fishery loan program in which the Secretary may make loans for financing or refinancing of the cost of purchasing, constructing, equipping, maintaining, repairing, or operating new or used commercial fishing vessels or gear. By a separate but related Act (75 Stat. 493) the Secretary was given authority in the management and disposition of vessels and other property acquired and arising out of fishery loans to facilitate administration of the loan authority.

The Act transferred to the Secretary of the Interior functions of the Secretary of Agriculture, the Secretary of Commerce, and the head of any other department or agency, as determined by the Director of the Office of Management and Budget. Such a determination was made on March 22, 1958, in which four specific functions were transferred. A copy of that determination is appended hereto.

Under this Act the Secretary is authorized to conduct continuing investigations and disseminate information concerning the production and flow to market of fishery products; the availability, abundance, and biological requirements of fish and wildlife resources; the competitive economic position of the various fishery products; the collection and dissemination of statistics on fishing; the improvement of production and marketing practices and the conduct of educational and extension services relative to commercial and sport fisheries; and any other matter which the Secretary

believes to be in the public interest in connection with any phase of fish and wildlife operations. The Secretary is to develop and recommend measures to assure maximum sustainable production of fish and fishery products; study the economic condition of the industry; develop special promotional and informational activities to stimulate consumption where surplus exists; and take steps for the development, advancement, management conservation, and protection of fisheries resources.

The Act provides for cooperation between the Secretaries of State and Interior in providing for representation at international meetings relating to fish and wildlife including membership on U.S. delegations and negotiating teams of an Interior representative.*

By the 1971 amendment to the Act, shooting or attempting to shoot or harrasing any bird, fish, or other animal from an aircraft while airborne, or to knowingly participate in such activity, is made a criminal offense punishable by a fine of not more than \$5,000 or imprisonment for not more than one year, or both. The prohibition does not apply to certain described employees or authorized agents of any State or the United States. Nor does it apply to certain described licensees of any State of the United States and each such person must report his activities quarterly to the issuing authority. Likewise, the State issuing a license or permit must report such issuance annually to the Secretary of the Interior. The 1972 amendment establishes enforcement procedures to be carried out by the Secretary of the Interior and authorizes him to promulgate any necessary and appropriate regulations.

The 1974 Act provides that the Small Business Administration may make loans to fishermen while the Fisheries Loan Fund moratorium exists.

70 Stat. 1119	Public Law 1024, 84th Cong.	Act of August 8, 1956
72 Stat. 1710	Public Law 85-888	Act of Sept. 2, 1958
75 Stat. 493	Public Law 87-219	Act of Sept. 13, 1961
75 Stat. 788	Public Law 87-367	Act of October 4, 1961
76 Stat. 849	Public Law 87-793	Act of October 11, 1962
78 Stat. 199	Public Law 88-309	Act of May 20, 1964
79 Stat. 262	Public Law 89-85	Act of July 24, 1965
84 Stat. 309	Public Law 91-279	Act of June 12, 1970
84 Stat. 829	Public Law 91-387	Act of August 24, 1970
85 Stat. 480	Public Law 92-159	Act of November 18, 1971
86 Stat. 905	Public Law 92-502	Act of October 18, 1972
88 Stat. 742	Public Law 93-386	Act of August 23, 1974

*While the text of the Act as it appears in the 1970 Edition, U.S.C., continues the use of the terms "Secretary of the Interior" and "Fish and Wildlife Service", the editors have, at pertinent places, made reference by footnote to Reorganization Plan No. 4 of 1970 and the transfers effected thereunder.

DETERMINATION BY THE DIRECTOR OF THE BUREAU OF THE BUDGET
on March 22, 1958 (23 F.R. 2304) as modified on
March 1, 1967 (32 F.R. 3783), and on May 30, 1969
(34 F.R. 8373)

Transfer of Certain Functions Relating to Commercial Fisheries to
Department of the Interior
Determination with respect to certain matters pursuant to Act of
August 8, 1956

March 22, 1958

Pursuant to section 6(a) of the Act of August 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U.S.C. 742e), it is hereby determined that the following functions relate primarily to the development, advancement, management, conservation, and protection of commercial fisheries and shall be deemed to be transferred to the Department of the Interior by that Act:

1. The distribution and disposal of surplus fishery products now performed by the Department of Agriculture under the authority of the Act of August 11, 1939 (15 U.S.C. 713c-2).

2. All functions of the Department of Agriculture which pertain to fish, shellfish and any products thereof, now performed under the authority of title II of the Act of August 14, 1946, popularly known as the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), including but not limited to the development and promulgation of grade standards, the inspection and certification, and improvement of transportation facilities and rates for fish and shellfish and any products thereof.

3. All functions of the Maritime Administration, Department of Commerce, which pertain to Federal ship mortgage insurance for fishing vessels under authority of title XI of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1271-1279), provided that the amount of loans outstanding under this transferred authority shall not exceed \$25 million at any one time.

4. All functions of the Maritime Administration, Department of Commerce, which pertain to direct loans to aid construction of fishing vessels under authority of title V of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1151-1161o).

It is further determined that pursuant to said section 6(b) of the Act of August 8, 1956, the following are necessary in connection with the exercise of the above listed functions and shall be deemed to be transferred to the Department of the Interior by that Act:

a. The amounts shown in Schedule 1, hereto attached, which amounts are hereby determined to be available for use, as specified in said schedule, in connection with the functions transferred by said Act:

b. The property and records shown in Schedule 2, hereto attached, which property and records were used or held in connection with the functions transferred by said Act.

Note: The 1967 modification increased the limit on outstanding loans in paragraph 3 from \$10 million to \$20 million. The 1969 modification increased the limit on outstanding loans in par. 3 from \$20 to \$25 million.

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31. Fishery Research and Experimentation (Reservoirs and Flooded Rice Lands)

16 U.S.C. 778-778c

The Secretary of the Interior is authorized and directed to establish an experiment station or stations to carry on a program of research and experimentation to determine species of fish most suitable for commercial culture in shallow reservoirs and flooded rice lands; determine methods of production for stocking; methods for the control of parasites and diseases; develop economical methods of raising the more desirable species; develop suitable methods of harvesting; and with the Department of Agriculture, determine the effects of rotation of fish with rice and other crops. Also authorized acquisition of land for purposes of the Act; cooperation with States and other institutions; and publication of the research and experimentation carried on.*

72 Stat. 35 Public Law 85-342 Act of March 15, 1958

* The language contained in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

32. Research Grants to Institutions of Higher Education and Scientific Research Organizations

42 U.S.C. 1891-1893

Authorizes basic scientific research grants to non-profit institutions of higher education or to non-profit organizations whose primary purpose is the conduct of scientific research, when such grants are deemed to be in furtherance of agency objectives; provides for discretionary authority to vest in such institutions or organizations, title to equipment purchases with grant or contract funds, if in furtherance of agency objectives; and requires an annual report on such grants to the appropriate committees of both Houses of Congress. This authority is available to the head of any Federal agency authorized to enter into contracts for basic scientific research at non-profit institutions of higher education, or at non-profit organizations whose primary purpose is the conduct of scientific research. This authority was utilized for several years by the Bureau of Commercial Fisheries but has not been utilized by the National Marine Fisheries Service.

72 Stat. 1793 Public Law 85-934 Act of September 6, 1958

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33. Fishery Attache Program, Executive Order No. 10249, June 4, 1951, 16 F.R. 5309 (3 CFR 1949-1953 Comp., p. 755), and Memorandum of Understanding Between the Departments of State and Interior with Respect to the Minerals and Fisheries Officer Program, dated May 5, 1959

16 U.S.C. 742d
16 U.S.C. 742e(c)
22 U.S.C. 846
22 U.S.C. 846 Note

Recognizing its responsibility to serve the foreign reporting needs of other Federal agencies, and the particular needs of the Department of the Interior in the fishery field, the Department of State in consultation with the Department of the Interior and other interested Government agencies develops appropriate schedules and comprehensive guidance materials for mineral and fishery reports. The Department of State also requests funds for Fisheries and Minerals Officer positions at those posts which are determined by the Department of State, in consultation with the Department of the Interior, to require such positions. These Officers are responsible for discharging in their respective fields the economic and technological reporting requirements for the country in which they are stationed. To date, Fishery Attaches have been appointed to Copenhagen, Denmark; Tokyo, Japan; Mexico City, Mexico; and Abidjan, Ivory Coast.*

60 Stat. 1002	Public Law 724, 79th Cong.	Act of August 13, 1946
70 Stat. 1121	Public Law 1024, 84th Cong.	Act of August 8, 1956

* As of the time of this writing, the fishery attache program of the National Marine Fisheries Service is operating under the terms of the May 5, 1959 Memorandum of Understanding.

34. Marine Migratory Sport Fish

16 U.S.C. 760e-760g

The Secretary of Commerce is directed to undertake a comprehensive continuing study of the migratory marine fish of interest to recreational fishermen, including species inhabiting offshore waters and species which migrate through inshore waters. Included in such study shall be research on migration, identity of stocks, growth rates, mortality rates, variations in survival, environmental influences including pollution, to develop wise conservation policies and constructive management. The Secretary is authorized to acquire lands, construct facilities, purchase boats, equipment, and apparatus, and to employ persons as he deems necessary. The Secretary may cooperate or contract with State and other institutions and make public the results of the research conducted pursuant to the Act.

73 Stat. 642	Public Law 86-359	Act of September 22, 1959
84 Stat. 2090	Reorg. Plan No. 4 of 1970	Eff. October 3, 1970

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35. Cooperative Research Units

16 U.S.C. 753a-753b

Authorizes the Secretary of the Interior to continue to enter into cooperative agreements with colleges, universities, State fish and game departments, and with non-profit organizations relating to cooperative research units by assigning Department of the Interior technical personnel for service with such units, by supplying units with equipment that may be available for such purposes, and by paying the incidental expenses of Federal personnel and employees of cooperating agencies assigned to the units.*

74 Stat. 733

Public Law 86-686

Act of September 2, 1960

* The text of the law as it appears in the 1970 Edition, U.S.C., continues the terms "Secretary of the Interior" and "Department of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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36. Fishing Vessel Construction Differential Subsidy (United States
Fishing Fleet Improvement Act)

46 U.S.C. 1401-1413

Authorizes the Secretary of the Interior to pay not less than 35 percent and not more than 50 percent of the cost of construction in a United States shipyard of a new fishing vessel and not more than 35 percent of the cost of construction through the conversion or reconditioning of any vessel to a fishing vessel or through rebuilding any existing fishing vessel in a United States shipyard. Such payments are to be based upon the estimated difference between the cost of constructing or remodeling various classes of fishing vessels in foreign shipyards as compared with such costs in United States shipyards. The vessel and the owner must meet certain standards and the operation of the vessel must not cause economic hardship to efficient vessel operators already operating in that fishery. In considering an application the Secretary is required to give notice and an opportunity for a public hearing. The present law provides that applications for a subsidy will not be received after June 30, 1972.

74 Stat. 212	Public Law 86-516	Act of June 12, 1960
78 Stat. 614	Public Law 88-498	Act of August 30, 1964
84 Stat. 307	Public Law 91-279	Act of June 12, 1970

* The text of the law as it appears in the 1970 Edition, U.S.C., continues the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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37. Construction of a Shellfisheries Research Center at Milford, Connecticut

16 U.S.C. 760h-760i

Authorizes the Secretary of the Interior to construct at Milford, Connecticut, a research center for shellfisheries production consisting of research facilities, a pilot hatchery including rearing tanks and ponds, and a training school. The research center shall be used for basic research on the physiology and ecology of commercial shellfish, development of hatchery methods for cultivation of mollusks, and train persons in advanced methods of shellfish culture. An appropriation of not to exceed \$1.325 million is authorized.*

75 Stat. 409

Public Law 87-173

Act of August 30, 1961

38. Propagation of Disease-Resistant Strains of Oysters

16 U.S.C. 760j-760 l

Authorizes the Secretary of the Interior, with respect to States where he finds excessive oyster mortality presents an immediate and substantial threat to industry economic stability, to acquire oyster brood stock resistant to the disease causing the mortality, and to distribute such brood stock to the States concerned in accordance with cooperatively developed plans, provided the participating State pay one-third of the cost of the program. Also authorizes the making of grants to such States to assist in the financing of research and other activities necessary in the development of disease-resistant strains of oysters, provided the participating States agree to use an additional amount for such purposes equal to at least 50 percent of the grant.*

76 Stat. 356

Public Law 87-580

Act of August 9, 1962

* The text of both Acts as they appear in the 1970 Edition, U.S.C., continue the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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39. Prohibition of Fishing in United States Territorial Waters by
Foreign-Flag Vessels

16 U.S.C. 1081-1086

Prohibits foreign-flag vessels from engaging in the fisheries within territorial waters of the United States, its territories and possessions and Puerto Rico, or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters or in such waters to engage in activities in support of a foreign fishery fleet and provides for enforcement of the prohibition and statutory penalties for violations. The law also prohibits foreign-flag vessels from taking any Continental Shelf fishery resource which appertains to the United States. As defined in the Act, such resources are limited to the sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil of the Continental Shelf. The 1974 Act declared a number of crustacea, including the American lobster, mollusks, and sponges, as continental shelf fishery resources. Exceptions are provided for, either by international treaty, or by specific authority from the Secretary of the Treasury under certain conditions after approval by the Secretaries of State and Interior and the individual State concerned.*

78 Stat. 194	Public Law 88-308	Act of May 20, 1964
82 Stat. 445	Public Law 90-427	Act of July 26, 1968
84 Stat. 1296	Public Law 91-514	Act of October 27, 1970
87 Stat. 1061	Public Law 93-242	Act of January 2, 1974

*The text of the law as it appears in the 1970 Edition, U.S.C., continues the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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40. Commercial Fisheries Research and Development Act of 1964

16 U.S.C. 779-779F

Authorizes the Secretary of the Interior to cooperate with the States through their respective State agencies which regulate commercial fisheries in carrying out projects designed for research on and development of the commercial fisheries resources of the Nation. Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands are treated as States.

Section 4(a) authorizes the appropriation of \$5,000,000 annually which is to be apportioned annually among the States according to a formula based upon the amount of commercial fishery activity in each State. However, no State may receive an apportionment for any fiscal year of less than one-half of 1 percent or more than 6 percent of the funds. Such funds are to be available for obligation for 2 fiscal years and if not used by a State, will then be available for other States to use. All States, regardless of the percentage of the funds initially apportioned, are eligible to compete for the unused funds. Advance payments to States are authorized on projects that have been approved by the Secretary. Projects approved under this subsection will be financed by both the Federal and State Governments, but the Federal Government share cannot exceed 75 percent.

Section 4(b) authorizes the appropriation of \$1,500,000 annually. This money is to be made available to the States in amounts to be determined by the Secretary for the purposes of the Act. The Secretary must give preference to those States in which he determines there is a commercial fishery failure due to a resource disaster arising from natural or undetermined causes. Under this subsection the money may be used for any purpose the Secretary determines to be appropriate to restore the fishery affected by such failure or to prevent a similar failure in the future. Projects approved under this subsection may be financed entirely from Federal funds and the money appropriated is available until expended.

Section 4(c) authorizes the appropriation of \$100,000 annually. The funds are to be made available to States in amounts to be determined by the Secretary for developing a new commercial fishery. The funds are available for 1 year and projects approved under this subsection are to be financed entirely from Federal Funds.

The authority for the three authorizations above expires on June 30, 1978.

A fourth authorization contained in the Act of May 20, 1964, concerned fishery loans in connection with the Alaska earthquake disaster of March 27, 1964. This authorization (codified at 16 U.S.C. 742c(e)) expired June 30, 1966.*

78 Stat. 197	Public Law 88-309	Act of May 20, 1964
82 Stat. 957	Public Law 90-551	Act of October 4, 1968
86 Stat. 1303	Public Law 92-590	Act of October 27, 1972
90 Stat. 2326	Public Law 94-485	Act of October 12, 1976

*The text of the law as it appears in the 1970 Edition, U.S.C., continues the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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41. Anadromous Fish Conservation Act

16 U.S.C. 757a-757f

Authorizes the Secretary of the Interior to enter into cooperative agreements with the States, jointly or severally, to conserve, develop, and enhance the anadromous fishery resources of the Nation that are subject to depletion from water resource developments or with respect to which the United States has made international conservation agreements. Similar agreements are authorized to conserve, develop, and enhance Great Lakes fish that ascend streams to spawn. The 1974 Act added control of the sea lamprey to the authority of the Secretary. The Federal share of the cost shall not exceed 50 percent except that whenever two or more States having a common interest in any basin jointly enter into a cooperative agreement for work authorized by the Act, the Federal share of the costs shall be increased to a maximum 66-2/3 percent (increased from 60 percent by the 1974 Act). Not more than \$1 million of any funds appropriated in any one fiscal year shall be obligated in any one State. The 1965 Act authorized an appropriation of not more than \$25 million for the period ending June 30, 1970. The 1970 Act included an appropriation authorization of \$6 million for fiscal year 1971, \$7.5 million for fiscal year 1972, \$8.5 million for fiscal year 1973, and \$10 million for fiscal year 1974. The 1974 Act extended the program for an additional five years, until June 30, 1979, and increased the appropriation authorization for each fiscal year from \$10 million to \$20 million. Sums appropriated remain available until expended. The Secretary of the Interior shall, on the basis of the studies carried out under the Act, make recommendations to the Secretary of Health, Education, and Welfare concerning the elimination or reduction of pollutants detrimental to fish and wildlife in interstate or navigable waters. Such recommendations and enforcement measures initiated pursuant thereto by HEW shall be designed to enhance the quality of such waters and shall take into consideration all other legitimate users of such waters.*

79 Stat. 1125	Public Law 89-304	Act of October 30, 1965
84 Stat. 214	Public Law 91-249	Act of May 14, 1970
88 Stat. 398	Public Law 93-362	Act of July 30, 1974

*The text of the law as it appears in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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42. 12-Mile Fishery Jurisdiction

16 U.S.C. 1091-1094 - Repealed by P.L. 94-265, Fishery Conservation &
Management Act of 1976

Establishes a fisheries zone of 9 miles contiguous to the 3-mile territorial sea of the United States in which the United States will exercise the same exclusive rights in respect to fisheries as it has in its territorial sea, subject to the continuation of traditional fishing by foreign states within this 9-mile zone as may be recognized by the United States. The Act is not to be construed as extending the jurisdiction of the States to the natural resources beneath and in the waters of the 9-mile fisheries zone or as diminishing their jurisdiction to such resources beneath and in the waters of the 3-mile territorial seas of the United States.

(Enforcement of this Act is provided for within the terms of Public Law 88-308; 16 U.S.C. 1081-1085.)

80 Stat. 908

Public Law 89-658

Act of October 14, 1966

90 Stat. 331

Public Law 94-265

Act of April 13, 1976

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43. Fur Seal Act of 1966

16 U.S.C. 1151-1187

This Act supersedes the Fur Seal Act of 1944, as amended, which had superseded earlier acts providing for management of the fur seal herd and administration of the Pribilof Islands (32 Stat. 828; 37 Stat. 736; 58 Stat. 100; 61 Stat. 449, 450; 64 Stat. 1071). The Act further implements the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington, on February 9, 1957, as amended by the protocol signed at Washington, on October 8, 1963, by the United States, Canada, Japan, and the Union of Soviet Socialist Republics. By the terms of the Act, the Secretary of the Interior is authorized to conserve and manage the North Pacific fur seals and to administer the special reservation of the Pribilof Islands.

The Act authorizes the Secretary of the Interior to set aside land on St. Paul Island for a townsite and to convey title to both improved and unimproved lots to individual natives of the Pribilof Islands after the townsite has been surveyed and after the Secretary is satisfied that the St. Paul community is capable of becoming a viable, self-governing community. Proceeds of such sales are to be made available to the governing body of St. Paul for municipal purposes. Provision is also made for 5 yearly grants to the community in the amounts of \$50,000, \$40,000, \$30,000, \$20,000 and \$10,000.

The Act also provides for the protection of sea otters on the high seas.

The Act continues in effect the provision of the Alaska Statehood Act (72 Stat. 339, 341) which gives to that State 70 percent of the net proceeds derived from the sales of sealskins or sea otter skins made in accordance with the terms of this Act.*

80 Stat. 1091

Public Law 89-702

Act of November 2, 1966

* The text of the law as it appears in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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44. Control or Elimination of Jellyfish (Sea Nettles) and Other Such
Pests in the Coastal Waters of the United States

16 U.S.C. 1201-1205

To conserve and protect the fish and shellfish resources in the coastal waters of the United States and to promote and safeguard water-based recreation, the Secretary of the Interior is authorized to cooperate with and provide assistance to the States and the Commonwealth of Puerto Rico in controlling and eliminating jellyfish and other such pests and in conducting research to control floating seaweed in such waters. The cost of such work shall be borne equally by the Federal Government and by the States and the Commonwealth of Puerto Rico, acting jointly or severally.

The Act consents to any compact between any two or more States for the purpose of carrying out the work authorized. There is authorized to be appropriated not to exceed \$500,000 for fiscal year 1968; \$750,000 for fiscal year 1969; \$1,000,000 for the period beginning July 1, 1969, and ending June 30, 1973, and \$400,000 for each of the fiscal years 1974, 1975, 1976, and 1977.*

80 Stat. 1149	Public Law 89-720	Act of November 2, 1966
84 Stat. 922	Public Law 91-451	Act of October 14, 1970
86 Stat. 1493	Public Law 92-604	Act of October 31, 1972

* The text of the law as it appears in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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45. Estuaries and Their Natural Resources

16 U.S.C. 1221-1226

In order to provide a means for considering the need to conserve and restore the valuable estuarine areas of the United States in a manner that reasonably maintains a balance between conservation of natural resources and beauty on the one hand, and on the other, the need to develop estuarine areas for the growth and development of the Nation, the Secretary of the Interior is authorized to conduct, directly or by contract, a study and inventory of the Nation's estuaries.

The action to be taken by the Secretary is to be in cooperation with the States, the Secretary of the Army and other Federal agencies. A report is to be made to the Congress through the President not later than January 30, 1970, including legislative recommendations and recommendations as to whether there should be a nationwide system of estuarine areas. Recommendations for the acquisition of any estuarine area are to be developed in consultation with the States, municipalities and other interested Federal agencies and no lands may be acquired by the United States until authorized by the Congress.

All Federal agencies in planning for the use or development of water and land resources shall give consideration to estuaries and their natural resources and the States and local subdivisions are to be encouraged to take into account the needs and opportunities for protecting estuaries in the development of plans which involve various Federal-State grant-in-aid programs including the Commercial Fisheries Research and Development Act of 1964 and the Anadromous and Great Lakes Fisheries Conservation Act of October 30, 1965.*

An appropriation of \$250,000 for fiscal year 1969 and a similar amount for fiscal year 1970 is authorized.

82 Stat. 625

Public Law 90-454

Act of August 3, 1968

* The text of the law as it appears in the 1970 Edition, U.S.C., continues the use of the term "Secretary of the Interior" without footnote or other reference to Reorganization Plan No. 4 of 1970 and the transfers made thereunder.

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46. Fishermen's Protective Act of 1967

22 U.S.C. 1971-1979

The Act of August 27, 1954, provided that in a case where a vessel of the United States is seized by a foreign country on the basis of rights or claims not recognized by the United States and there is no dispute of material facts concerning the location or activity of the vessel, the Secretary of State is to take such action as he deems appropriate to protect the vessel and crew and secure their release. In addition, the vessel owner is to be reimbursed by the Secretary of the Treasury in an amount certified by the Secretary of State for any fines paid to secure such release. The Fishery Conservation and Management Act of 1976 (FCMA) amended the Act of August 27, 1954, to include the action to be taken by the Secretary of State in instances when a seizure is based on a claim related to exclusive fishery management authority but based on conditions and restrictions under such claim which (1) are unrelated to fishery conservation and management, (2) fail to consider and take into account traditional fishing practices of vessels of the U.S., (3) are greater or more onerous than the conditions and restrictions which the U.S. applies to foreign fishing vessels subject to the exclusive fishery management authority established by the FCMA, and (4) fail to allow fishing vessels of the U.S. equitable access to fish subject to such country's exclusive fishery management authority.

The Act of August 12, 1968, amends the earlier Act by authorizing similar reimbursement for sums paid for license fees, registration fees, or any other direct charge. The Act of April 13, 1976 (FCMA) defines "other direct change" as any levy which is imposed in addition to any fine, license fee, or registration fee. In addition, the 1968 Act provides that the Secretary of Commerce, upon application, shall enter into contracts with fishing vessel owners providing that in the case of seizures under the conditions stated above, the Secretary of Commerce shall guarantee the owner or charterer of such vessel for all actual costs except the fines, license fees, etc., taken care of by the Secretary of the Treasury. The actual costs to be guaranteed by the Secretary of Commerce are those resulting from damage to or destruction of the vessel, its gear and equipment; loss or confiscation of the vessel, gear and equipment; and dockage fees or utilities.

The guarantee extends also to the owner (or charterer) and the crew for the market value of fish caught before the seizure but lost by confiscation or spoilage during the period of detention; and for not to

exceed 50 percent of the gross income lost as a direct result of the seizure and detention according to a formula provided in the Act.

Where the guarantee runs to the owner and crew, the distribution by the Secretary will be made in accordance with the usual practices in that particular segment of the commercial fishing industry.

The Secretary of Commerce will, by regulation, establish rates to be paid by the owners for such guarantees but such rates will be set so as to recover the cost of administering the program and at least one-third of the cost of the guarantees to the Federal Government. The authority for guarantees under the Act of August 12, 1968, expires June 30, 1977.

Under the terms of the Act the Secretary of State shall take such action as he may deem appropriate to make and collect claims against a foreign country for amounts expended by the United States under any part of this Act. If the offending country fails or refuses to make payment in full within 120 days after receiving notice of any such claim by the U.S., the Secretary of State is required to withhold, pending such payment, an amount equal to the unpaid claim from any funds programmed for the current fiscal year to the offending country under the provisions of the Foreign Assistance Act of 1961.

The Act of December 23, 1971, Pelly Amendment, adds a new section to the Fishermen's Protective Act of 1967 which is unrelated to the subject matter of the latter Act. The new section 8 gives the President discretionary authority to prohibit the importation of fishery products from nations which conduct fishing operations in a manner that diminishes the effectiveness of any multilateral international fishery conservation program in which the United States participates. The Secretary of Commerce has the responsibility under the section for certifying to the President when such fishing operations are being conducted by foreign nations.

The Secretary of the Treasury is responsible for instituting and enforcing any embargo the President elects to apply. The terms of the section provide that the President shall notify the Congress of any action taken 60 days following certification by the Secretary of Commerce. If the President, after the certification, fails to direct the Secretary of the Treasury to prohibit the importation of fish products of the offending country, or if the prohibition does not include all fish products of the offending country, the President shall inform the Congress of the reasons therefor.

68 Stat. 883	Public Law 680, 83rd Cong.	Act of August 27, 1954
82 Stat. 729	Public Law 90-482	Act of August 12, 1968
85 Stat. 786	Public Law 92-219	Act of December 23, 1971
86 Stat. 1182	Public Law 92-569	Act of October 26, 1972
86 Stat. 1313	Public Law 92-594	Act of October 27, 1972
90 Stat. 331	Public Law 94-265	Act of April 13, 1976

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47. Lacey Act (A Part) Transportation of Wildlife Taken In Violation
of State, National, or Foreign Laws.

18 U.S.C. 43-44

The original Lacey Act (Act of May 25, 1900, 31 Stat. 187) authorized activity in the Department of Agriculture for the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Act prohibited the importation of foreign wild animals or birds except under a permit with exceptions as determined by the Secretary of Agriculture. The Act also prohibited the interstate transportation of foreign animals and birds the importation of which is prohibited. The law has been amended several times since 1900. During this period Interior has replaced Agriculture and language changes have been made to apply the transportation prohibition first to "any wild animal or bird of any kind" and more recently to "wildlife" which is defined to mean "...any wild mammal, wild bird, amphibian, reptile, mollusk, or crustacean, ...". The addition of "mollusk or crustacean" by Public Law 91-135, (December 5, 1969, effective June 3, 1970), made this law useful in commercial fisheries management for the first time. At the present time the law prohibits the transportation of wildlife, as defined, if taken in violation of State, National, or foreign laws and provides both civil and criminal penalties.

83 Stat. 279

Public Law 91-135

Act of December 5, 1969

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48. Crown of Thorns Starfish

16 U.S.C. 1211-1213

To conserve and protect coral reef resources of the Pacific tropical islands of concern to the United States, the Secretary of the Interior* and the Secretary of the Smithsonian Institution are authorized to cooperate with and provide assistance to the governments of the State of Hawaii, the territories and possessions of the United States, including Guam, American Samoa, the Trust Territory of the Pacific Islands, and other island possessions of the United States, in the study and control of the seastar "Crown of Thorns".

In carrying out the purpose of the Act, the two Secretaries may conduct studies and research to determine the causes of population increase of the Crown of Thorns, their effects on corals and coral reefs, and the stability and regeneration of reefs following predation. The two Secretaries are authorized to monitor areas where Crown of Thorns may be increasing; determine future needs for control; develop methods of control; and carry out programs of control.

An appropriation of \$4,500,000 is authorized for the period beginning September 26, 1970, and ending June 30, 1975.

84 Stat. 884

Public Law 91-427

Act of September 26, 1970

*Effective October 3, 1970, Reorganization Plan No. 4 of 1970 (84 Stat. 2090) transferred to the Secretary of Commerce the functions vested by law in the Secretary of the Interior which were then administered through the Bureau of Commercial Fisheries. That transfer would substitute Secretary of Commerce for Secretary of the Interior in this instance.

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49. Capital Construction Fund - Fishing Vessels (Merchant Marine Act of 1970)

46 U.S.C. 1177

Section 21 of the Merchant Marine Act of 1970, amended section 607 of the Merchant Marine Act, 1936, to provide that any citizen of the United States owning or leasing one or more "eligible vessels" may enter into an agreement with the Secretary of Commerce to establish a capital construction fund (fund) with respect to any or all such vessels. Any agreement entered into under this Section shall be for the purpose of providing replacement vessels, additional vessels, or reconstructed vessels, built in the United States and documented under the laws of the United States for operation in the United States foreign, Great Lakes, or noncontiguous domestic trade, or in the fisheries of the United States, and shall provide for deposit in the fund of the amounts agreed upon as necessary or appropriate to accomplish the purpose of the fund.

Under the terminology used in this Section of the Act, an "eligible vessel" is one which may be made subject to the agreement for purpose of deposits in the fund, while a "qualified vessel" is a replacement vessel, additional vessel, or reconstructed vessel for which withdrawals may be made from the fund. "Eligible vessel" is defined as any vessel constructed in the United States, and if reconstructed, reconstructed in the United States, documented under the laws of the United States, and operated in the foreign or domestic commerce of the United States, with the grandfather proviso that any ship built abroad but documented under U.S. flag on April 15, 1970, or built abroad for use in our foreign trade pursuant to a contract entered into before that date shall be considered as though built in the United States for this purpose.

Qualified withdrawals from the fund may be made for the purpose of (1) acquisition, construction or reconstruction of a qualified vessel, (2) acquisition, construction or reconstruction of barges and containers which are part of the complement of a qualified vessel, and (3) payment of the principal on indebtedness incurred in connection with the acquisition, construction or reconstruction of a qualified vessel or barge or container which is part of the complement of a qualified vessel. Under certain circumstances a qualified vessel may be an existing eligible vessel.

Section 607 provides for a deferral of Federal income taxes on deposits into the fund from the following sources: (1) earnings from shipping operations of agreement vessels (2) net proceeds from sales or other dispositions of, or from insurance on, agreement vessels, and (3) earnings from investment or reinvestment of amounts held in the fund. This provision has the effect of deferring tax on ordinary income or capital gains on these deposits so long as they remain in the fund or are used for the purposes for which the fund is being maintained. Withdrawals for purposes other than those for which the fund is intended (nonqualified withdrawals) may only be made with the permission of the Secretary of Commerce, are taxed in the year of withdrawal, and the tax attributable to the nonqualified withdrawal is subject to an interest charge from the last date for payment of tax for the taxable year in which the amount was deposited in the fund to the last date for payment of tax for the taxable year in which the withdrawal is made.

The amounts in a capital construction fund are required to be kept in a depository or depositories specified in the agreement, and are subject to such trustee and other fiduciary requirements as may be specified by the Secretary of Commerce. These funds may be invested only in interest bearing securities approved by the Secretary of Commerce, except that with the consent of the Secretary of Commerce, up to 60 percent of the assets of the fund may be invested in the stock of domestic corporations. Such stock must be fully listed and registered on a national exchange registered with the Securities and Exchange Commission.

The Act of October 1, 1973, amends Sec. 607(k)(8). It clarifies the definition of "noncontiguous trade" for Capital Construction Fund withdrawal purposes to include trade between two or more points within Alaska, Hawaii, Puerto Rico, or any other territory or possession of the United States. As a consequence, a vessel which has been built with such capital construction funds is legally permitted to trade between all points in our outlying States, territories, and possessions.

84 Stat. 1026

Public Law 91-469

Act of October 21, 1970

87 Stat. 421

Public Law 93-116

Act of October 1, 1973

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50. Liberty Ships - Artificial Reefs

16 U.S.C. 1220-1220c

Provides that a State may apply to the Secretary of Commerce for one or more Liberty ships which otherwise would be designated by the Secretary for scrapping for the purpose of sinking such ships to establish offshore artificial reefs for the conservation of marine life. The Secretary must seek and consider the views of the Secretaries of Interior and Defense, and any other appropriate Federal officer on the proposed sinking. The transfer is to be accomplished with no cost to the Federal Government.

86 Stat. 617

Public Law 92-402

Act of August 22, 1972

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51. Central, Western, and South Pacific Fisheries Development Act

16 U.S.C. 758 a Note

The Secretary of Commerce is authorized to carry out, directly or by contract, a program for the development of the tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean. Consultation and cooperation is authorized with the Secretary of the Interior, the State of Hawaii and other affected States, the governments of American Samoa and Guam, the Office of the High Commissioner of the Trust Territory of the Pacific Islands, educational institutions, and the commercial fishing industry. An annual report to the President and the Congress is required not later than January 30 of each year. An appropriation of \$3,000,000 is authorized for the period beginning July 1, 1973 and ending June 30, 1976. The Act of July 6, 1976 extends the appropriation authorization at the \$3 million level for three years, for the period July 1, 1976, and ending September 30, 1979.

86 Stat. 444	Public Law 92-444	Act of September 29, 1972
90 Stat. 809	Public Law 94-343	Act of July 6, 1976

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52. Federal Ship Financing Act of 1972

46 U.S.C. 1271-1280

Amends Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271-1280) by replacing authority to insure vessel mortgages and loans with authority to guarantee obligations. Fishing vessels of five net tons or over are one of several classes of eligible vessels. Generally, obligations (i.e., owed to private lenders) eligible for guarantee must have aided in financing or refinancing the cost of constructing, reconstructing, or reconditioning vessels, or, facilities or equipment pertaining to marine operations.

Section 6(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742e(a)) directed that functions of certain agencies relating primarily to the development, advancement, management, conservation, and protection of commercial fisheries, as determined by the Director of the Bureau of the Budget, be transferred to the Secretary of the Interior. Thereafter, on March 22, 1958, the Bureau of the Budget determined that functions of the Maritime Administration, Department of Commerce, pertaining to Federal ship mortgage insurance for fishing vessels under the authority of Title XI of the Merchant Marine Act, 1936, were so transferred. The Determination set a ceiling of \$10 million on the amount of insurance that could be outstanding. In order to permit the efficient execution of functions thus transferred, the Act of July 5, 1960, (P.L. 86-577, 74 Stat. 314, 46 U.S.C. 1275 Note) authorized Interior to exercise Title XI authority, relating to fishing vessels, comparable to the Title XI authority of Commerce.

In 1967 a modification of the 1958 Bureau of the Budget Determination raised the insurance ceiling to \$20 million and in 1969 another modification raised it to \$25 million (text of the Determination page 27).

In effect, the Act of July 5, 1960, is still valid but not essential to NMFS Title XI authority so long as NMFS is located within the Department of Commerce. The same is true for the transfer of authority accomplished by the Fish and Wildlife Act of 1956 and the Determination which followed, except that the \$25 million ceiling for NMFS Title XI authority is still in effect.

86 Stat. 909

Public Law 92-507

Act of October 19, 1972

(Note: Also, see statement included herein with the discussion of the Fish and Wildlife Act of 1956).

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53. Marine Mammal Protection Act of 1972

16 U.S.C. 1361-1407

The Act establishes a moratorium on the taking of marine mammals and a ban on the importation of marine mammals and marine mammal products with certain exceptions. The Act provides for the establishment of a three-member Marine Mammal Commission supported by a nine-member Committee of Scientific Advisors on Marine Mammals. The Department of Commerce is given responsibility for whales, porpoises, seals, and sea lions. The Department of the Interior is given responsibility for all other marine mammals.

The exceptions to the moratorium are limited. After consultation with the Commission and the Committee of Scientific Advisors, the Secretary can issue permits for scientific research and public display, and can, if consistent with the Act, waive the moratorium to allow commercial taking and importation. Taking mammals incidental to commercial fishing operations is allowed for two years but after that time such taking can be done only under a permit from the Secretary. Until October 21, 1973, an exception may be granted if undue hardship can be proven. Aleuts, Indians, and Eskimos are allowed to take marine mammals for certain restricted purposes, such as subsistence, and arts and crafts. The Pribilof Islands fur seal program is exempt from the moratorium but the program must be studied for possible future modification.

The law provides civil and criminal penalties for violations of the law and implementing regulations and an embargo on imports of fish and fish products from countries which allow fishing methods which are not allowed for U.S. fishermen, or which result in incidental killing or serious injury of marine mammals in excess of United States standards.

The Secretary has the responsibility under the Act to initiate, through the Secretary of State, international negotiations for agreements which will generally protect marine mammals. He is also to cooperate with the States in the protection of marine mammals, and may, where State laws conform to the Act, lift the Federal preemption of State law. The Secretary has the authority under the Act to make grants to public and private entities for research relevant to marine mammal protection, and to the States to foster marine mammal protection and management programs.

The Secretary is directed to conduct research during a two-year period on improving commercial fishing methods and gear to minimize hazards to marine mammals, and in the meanwhile to issue regulations in consultation with the Commission to minimize the taking of mammals.

The Act contains four separate appropriation authorizations. Three of the authorizations are for fiscal years 1973, 1974, 1975, 1976, and 1977:

\$2.5 million per year for research grants (two-thirds to Commerce and one-third to Interior)

\$2.0 million each year to Commerce for administration and operation. \$700,000 for FY 1973 and \$325,000 per year for FY 1974, 1975, 1976, and 1977 to Interior for administration and operation.

\$1.0 million per year for the Commission and Committee, two-thirds of which must be used for research and studies.

\$1.0 million per year for FY 1973 and 1974 to Commerce for a program to improve fishing methods and gear to minimize hazards to marine mammals.

86 Stat. 1027
90 Stat. 331

Public Law 92-522
Public Law 94-265

Act of October 21, 1972
Act of April 13, 1976

Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Chronological List of Legislative Authorities

54. Ocean Dumping

(Marine Protection, Research, and Sanctuaries Act of 1972)

33 U.S.C. 1401-1444

Title I of the Act establishes a system to regulate the transportation of material from the United States for dumping into ocean waters, and the dumping of material, transported from outside the United States, if the dumping occurs in ocean waters over which the United States has jurisdiction or over which it may exercise control, under accepted principles of international law, in order to protect its territory or territorial sea. This Title is administered by the Administrator of the Environmental Protection Agency, the Secretary of the Army, and the Secretary of the Department in which the Coast Guard is operating.

Title II of the Act directs the Secretary of Commerce, in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of the department in which the Coast Guard is operating, to initiate a comprehensive and continuing program of monitoring and research regarding the effects of the dumping of material into ocean waters or other coastal waters where the tide ebbs and flows or into the Great Lakes or their connecting waters. The Secretary of Commerce, in consultation with other appropriate Federal entities, is directed to initiate a comprehensive and continuing program of research with respect to possible long-range effects of pollution, overfishing, and man-incuded changes of ocean ecosystems.

In carrying out his responsibilities, the Secretary is authorized to utilize the resources of other Federal entities, including the Coast Guard, for monitoring purposes. He is to cooperate with and render financial and other assistance to public authorities at all levels, private institutions, and individuals to promote coordination of research, investigations, and studies to determine the means of miminizing or ending all dumping of materials by October 23, 1977. (Under Title I, there is authorized to be appropriated not to exceed \$3.6 million for FY '73, \$5.5 million for each of the fiscal years '74 and '75 , \$5.3 million for FY '76, \$1,325,000 for the transition period (July 1 thru Sept. 30, 1976), and \$4.8 million for FY '77. Title II contains an appropriation authorization not to exceed \$6.0 million for fiscal years '74, '75, and '76, \$1.5 million for the transition period (July 1 thru Sept. 30, 1976), and \$5.6 million for for FY 77.

86 Stat. 1052	Public Law 92-532 (Titles I & II)	Act of Oct. 23, 1972
88 Stat. 50	Public Law 93-254	Act of Mar. 22, 1974
88 Stat. 1430	Public Law 93-472	Act of Oct. 26, 1974
89 Stat. 303	Public Law 94-62	Act of July 25, 1975
90 Stat. 725	Public Law 94-326	Act of June 30, 1976

Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Chronological List of Legislative Authorities

55. Marine Sanctuaries

(Marine Protection, Research and Sanctuaries Act of 1972)

16 U.S.C. 1431-1434

Title III of the Act authorizes the Secretary of Commerce to designate as marine sanctuaries areas of ocean waters as far seaward as the outer edge of the Continental Shelf, coastal waters where the tide ebbs and flows, or waters of the Great Lakes and their connecting waters, for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. Before such designation, the Secretary is required to consult with the Secretaries of State, Defense, Interior, and Transportation, and the Administrator of the Environmental Protection Agency. The Secretary must obtain the approval of the President. If the designation is to include waters within the territorial limits of any State or waters over the subsoil and seabed within the seaward boundary of a coastal State as defined in the Submerged Lands Act (43 U.S.C.1301(b)), the Secretary must first consult with, and give due consideration to the views of, State officials involved. The Governor of any State thus involved has a veto power over all or any part of the designation. A public hearing is required to be held in the coastal area affected prior to the designation.

The Secretary, in consultation with other interested Federal agencies, shall issue regulations to control any activities permitted within the designated sanctuary. Civil penalties for violation of the regulations are provided. (There is authorized to be appropriated not to exceed \$10 million for each of the fiscal years '73, '74, and '75, \$6.2 million for fiscal year '76, \$1.55 million for the transition period (July 1 thru Sept. 30, 1976), and \$500,000 for FY '77, to carry out the provisions of this title, including the acquisition, development, and operation of marine sanctuaries designated under this title).

86 Stat. 1061	Public Law 92-532 (Title III)	Act of Oct. 23, 1972
89 Stat. 303	Public Law 94-62	Act of July 25, 1975
90 Stat. 725	Public Law 94-326	Act of June 30, 1976

Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Chronological List of Legislative Authorities

56. Endangered Species Act

(16 U.S.C. 1531-1543)

This Act provides for the conservation of endangered and threatened species of fish, wildlife, and plants. The program is to be administered by the Secretaries of the Interior and Commerce except that the Secretary of Agriculture shall enforce provisions relating to importation or exportation of terrestrial plants. The Secretary of the Interior shall publish in the Federal Register, and revise as necessary, a list of endangered species and threatened species as determined by either the Secretary of Commerce or the Secretary of the Interior, depending upon agency jurisdiction over species. However, the Secretaries may treat any species as endangered or threatened even though it is not listed if he finds that such species closely resembles in appearance a species which has been listed, so that enforcement personnel will not encounter difficulty in differentiating between the listed and unlisted species. Any proposed regulations published by either Secretary shall appear in the Federal Register not less than 60 days before the effective date of the regulation. If any person feels that he may be adversely affected by such regulations, he may request a public hearing. Should the Secretary deny the request, he must publish his reasons in the Federal Register.

The Secretary is required to enter into a Cooperative Agreement with any State which establishes and maintains an adequate and active program for the conservation of endangered or threatened species. The Secretary must reaffirm annually the State's eligibility for participation in this program. States that enter into a Cooperative Agreement may receive financial assistance, through its respective State agency, from the Secretary. The Secretary is also authorized to enter into Management Agreements with States for the administration and management of areas for the conservation of endangered or threatened species. For these purposes, there is authorized appropriations through the fiscal year ending June 30, 1977, not to exceed \$10,000,000.

The Secretary shall cooperate with the States to the maximum extent practicable, including consultation with the States concerned, before acquiring any land or water, or interest therein, for the purpose of conserving any endangered or threatened species.

The Act stipulates that the Secretaries, through the Secretary of State, encourage international programs providing for the conservation of endangered and threatened species. It also provides for the carrying out of certain international conventions.

With limited exceptions, the Act prohibits taking, importing, exporting, and interstate commerce involving any endangered species. For threatened species the Secretaries may issue such rules and regulations as they deem necessary.

To assist in accomplishing its purposes, the Act: provides civil and criminal penalties; requires importers and exporters of certain fish, wildlife, or plants, to keep records and file reports; and prohibits Federal agencies from taking actions which would jeopardize the continued existence of endangered or threatened species or result in the destruction or modification of habitat determined to be critical.

The Secretary may permit any act otherwise prohibited under this Act for scientific purposes, enhancement of propagation, or survival of the affected species. "Undue economic hardship" exemptions may be granted to persons who apply to the Secretary and include therein such information as the Secretary may require to prove such hardship. These exemptions shall be for a duration of not more than one year from the date of publication in the Federal Register of notice of consideration of the species concerned and shall not apply to a quantity of fish or wildlife or plants in excess of that specified by the Secretary. If the Secretary grants exceptions for permits and exemptions, he must publish his finding in the Federal Register. In addition, Alaskan Natives and non-native residents of Alaskan Native villages may take or import endangered species or threatened species if such taking is primarily for subsistence purposes.

Appropriation authorizations are:

Dept. of the Interior - Not to exceed \$10,000,000 for the fiscal year ending June 30, 1976, not to exceed \$1,800,000 for the fiscal transitional period ending Sept. 30, 1976, and not to exceed a total of \$25,000,000 for the fiscal year ending Sept. 30, 1977 and the fiscal year ending Sept. 30, 1978.

Dept. of Commerce - Not to exceed \$2,000,000 for the fiscal year ending June 30, 1976, not to exceed \$500,000 for the fiscal transitional period ending September 30, 1976, and not to exceed a total of \$5,000,000 for the fiscal year ending Sept. 30, 1977 and the fiscal year ending Sept. 30, 1978.

The Act of July 12, 1976, authorizes the Secretary of Commerce to grant exemptions for a period of up to three years for the sale of legally obtained pre-Act endangered species parts, including scrimshaw and sperm whale oil and its derivatives. The Department of Commerce maintains the right to prosecute persons who have violated existing Endangered Species Act prohibitions prior to the date of enactment of this law.

87 Stat. 884	Public Law 93-205	Act of December 28, 1973
90 Stat. 724	Public Law 94-325	Act of June 30, 1976
90 Stat. 911	Public Law 94-359	Act of July 12, 1976

Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Chronological List of Legislative Authorities

57. Offshore Shrimp Fisheries Act

(16 U.S.C.1100b-1100b-12)

Implements the U.S.-Brazil Fishing Agreement of May 9, 1972, and March 14, 1975, which provides for a specified area off the Coast of Brazil in which U.S. vessels may fish for shrimp. Also, declares a number of crustacea, including the American lobster, mollusks, and sponges, as continental shelf fishery resources.

The Secretary of Commerce is authorized to issue permits to vessel owners for U.S. documented vessels to engage in fishing in the area of agreement, provided that the number of vessels which are the subject of permits shall not exceed 325 or such other number of vessels as may be specified in the treaty from time to time. In addition, the 1975 Act adds the requirements that no more than 200 vessels with permits shall be authorized to fish during any quarter of 1975 beginning March 1 and ending Feb. 29, 1976, and no more than 175 vessels in any quarter of 1976 beginning March 1 and ending Feb. 28, 1977. The method and time for application for permits shall be announced in advance in the Federal Register. If a vessel owner's application for a permit is refused, he may petition the Secretary for reconsideration and is entitled to a hearing. The decision of the Secretary rendered in connection with such reconsideration is final and binding. If applications received exceed the number of permits allowed to be issued, the following procedures shall apply:

1st priority - vessel owners to whom letters of voluntary compliance have been issued (after Mar. 14, 1975)

2nd priority - vessel owners who have been engaged in fishing under permits in the area of agreement after May 9, 1972. Exception: no vessel owner shall be eligible for receiving permits during the first six months after entry into force of the U.S./Brazil shrimp agreement signed on Mar. 14, 1975, if the Secretary determines that such vessel has engaged in activities during the period Mar. 14, 1975, to such entry date of U.S./Brazil shrimp agreement, in violation of fishing agreements

3d priority - all other vessel owners who have made application

If the number of vessels for which application is made in the three categories exceeds the number of permits available, the permits shall be proportionally distributed within the applicable category. Permits shall (1) be valid only for the vessel for which it is issued and shall not cover more than one vessel except that a vessel owner may transfer, with the prior consent of the Secretary, a permit to another vessel whether or not owned by the same vessel owner; (2) be issued for a calendar year and may be renewed annually - annual fee for a permit shall be \$1115 for enforcement services plus an amount of not more than \$100, as determined by the Secretary, for administrative costs; and (3) may be voluntarily returned to the Secretary, required to be returned because of underutilization, or suspended or revoked. If permits are returned to the Secretary, he may reissue them to vessel owners with outstanding applications. If permits are suspended or revoked, the permittee is entitled to a hearing, with the Secretary rendering the final decision.

The Act establishes an Offshore Shrimp Fisheries Fund in the Treasury to be used by the Secretary of Commerce to make payments for enforcement expenses as provided for in the Treaty. The fund shall be credited with: permit fees collected for enforcement expenses, funds appropriated under this Act, amounts transferred through the Secretary from deposits in the special accounts from issuance of letters of voluntary compliance, and amounts collected for minimum civil penalties.

Each master or other person in charge of a vessel which is the subject of a permit under this Act shall keep a logbook. This information is to be treated as confidential commercial information. However, the Secretary has the authority to require by subpoena the production of all such logbooks, records, or other information.

Prohibitions are listed in the Act. Enforcement shall be performed jointly by the Secretary of Commerce, the Secretary of the department in which the Coast Guard is operating, and the Secretary of the Treasury. Also, any authorized law enforcement officers of the Government of Brazil, exercising responsibility under the treaty, shall be empowered to act on behalf of the United States to enforce the provisions of the treaty in the area of agreement.

The provisions of this Act shall expire Sept. 30, 1977, except for the section declaring lobster a creature of the shelf.

87 Stat. 1061	Public Law 93-242	Act of Jan. 2, 1974
89 Stat. 266	Public Law 94-58	Act of July 24, 1975

Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Chronological List of Legislative Authorities

58. Atlantic Tunas Convention Act of 1975

(16 U.S.C. 971)

This Act authorizes the Secretary of State, with the concurrence of the Secretary of Commerce, to receive, accept, or object to conservation recommendations made by the International Commission for the Conservation of Atlantic Tunas, and with respect to enforcement, the concurrence of the Secretary of the department in which the Coast Guard is operating. The Act prescribes the procedures for implementing the International Commission for the Conservation of Atlantic Tunas (ICCAT) through the promulgation of regulations by the Secretary of Commerce for the purpose of carrying out recommendations of the Commission that are effective for the United States. Proposed regulations must be published in the Federal Register to afford interested persons an opportunity to comment. After publication of the final regulations, they would be applicable to U.S. fishermen but shall be suspended if it is determined that a member country of the Commission for whom the conservation regulations are effective is fishing in such a way as to constitute a serious threat to the achievement of the Commission's recommendations. The kinds of regulations which may be promulgated are described, and import embargo provisions are provided. The Secretary of State, in consultation with the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating, is authorized to enter into agreements relating to cooperative enforcement and implementation of the provisions of ICCAT.

The Act authorizes the President to appoint not more than three Commissioners and additional Alternate Commissioners to represent the United States on the International Commission for the Conservation of Atlantic Tunas. They shall receive no compensation for their services. The Commissioners are authorized to appoint an advisory committee of from five to twenty persons representative of the various groups concerned with Atlantic tuna fisheries, to serve without compensation.

Prohibitions are listed and fines and forfeitures are prescribed for violations. No penalty shall be assessed unless the person accused of committing the violation is given notice and opportunity for a hearing. Upon failure of any person to pay an assessed penalty, the

Secretary of Commerce may request the Attorney General to institute a civil action in a district court of the United States to collect the penalty.

Authority is granted to the U.S. Commissioners, through the Secretary of State, to arrange for the cooperation of agencies of Federal, State, and private institutions and organizations in carrying out the scientific and other programs of the Commission.

There are authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated for fiscal year 1976 (July 1 through Sept. 30, 1976) and fiscal year 1977 such sums as may be necessary for carrying out the purposes and provisions of the Act.

89 Stat 385

Public Law 94-70

Act of Aug. 5, 1975

Department of Commerce
National Oceanic & Atmospheric Administration
National Marine Fisheries Service

Chronological List of Legislative Authorities

59. Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801-1882)

This law is interim legislation, to be in effect only until a comprehensive Law of the Sea treaty signed by the US goes into effect. The Act extends the U.S. exclusive fishery zone from 12 to 200 nautical miles. Provides the U.S. with exclusive management authority over 1) all fish in the fishery conservation zone, 2) all anadromous species throughout their migratory range beyond the conservation zone, with an exception, and 3) all Continental Shelf fishery resources beyond the conservation zone. Highly migratory species, such as tuna, are excluded.

After February 28, 1977, no foreign fishing is authorized within the 200-mile zone or for anadromous species on Continental Shelf fishery resources beyond such zone unless 1) it is authorized by an international fishery agreement; 2) reciprocal privileges are granted to U.S. vessels; and 3) each foreign vessel has on board a valid permit issued in accordance with the Act. Reasonable fees will be charged for each such permit. The total allowable level of foreign fishing within the zone will be that portion of the optimum sustainable yield (OSY) of each fish stock which will not be harvested by vessels of the United States. Eight Regional Fishery Management Councils, authorized by the Act, will determine the OSY. The Secretary of State, in cooperation with the Secretary of Commerce, will determine the allocation among foreign nations of to total allowable level of fishing permitted with respect to any fishery subject to the exclusive US fishery management authority.

The Act establishes National standards for fishery conservation and management. The Secretary of Commerce will establish guidelines based on the national standards, to assist in the development of fishery management plans. The management plans are to be prepared by the eight Regional Councils, and they must be consistent with the national standards as well as contain other items specified in the Act. The Secretary of Commerce has the authority to issue fishery management plans and to promulgate regulations, including emergency regulations, to implement any such plan. Each coastal State will maintain management control over the fish in its 3-mile territorial waters unless the Secretary of Commerce finds that State management substantially and adversely affects the regional council's management plan. Federal preemption of management authority cannot occur if a fishery is harvested principally inside the State's territorial waters.

The U.S. will renegotiate any bilateral or multilateral fisheries agreements or any fisheries treaties it is a party to which conflict with the management concepts of the law. Such agreements must lay before Congress for 60 days of continuous session after the date of Presidential transmittal. The Secretary of Commerce is required to submit an annual report to the Congress and the President on all activities which were undertaken under the Act.

Prohibited acts, civil penalties, criminal offenses, and civil forfeitures are set forth in the Act. Enforcement is the responsibility of the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating. The district courts of the U.S. have exclusive jurisdiction over any case or controversy arising under the provisions of the Act.

Appropriate amendments are made to the Fishermen's Protective Act, Marine Mammal Protection Act, and Atlantic Tunas Convention Act.

Appropriation authorizations are:

FY 1976	\$ 500,000
FY 1976T	5,000,000
FY 1977	25,000,000
FY 1978	30,000,000

90 Stat. 331

Public Law 94-265

Act of April 13, 1976

Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Chronological List of Legislative Authorities

60. Coastal Zone Management Act Amendments of 1976 (16 U.S.C. 1451 et seq.)

Section 16 of the Act directs the Secretary of Commerce to undertake a comprehensive study of all aspects of the molluscan shellfish industry and to evaluate the impact on that industry of Federal law concerning water quality. The Secretary must submit to the Congress, no later than April 30, 1977, a report of his findings, comments, and recommendations, if any.

Section 16 also prohibits the Secretary of Health, Education, and Welfare from promulgating final regulations concerning the national shellfish safety program (NSSP) before June 30, 1977. Such Secretary, in consultation with the Secretary of Commerce, is required to publish an analysis of the economic impact of these regulations on the domestic shellfish industry and of the cost of the NSSP relative to the benefits that it is expected to achieve. This analysis must be published at least 60 days prior to the promulgation of final regulations.

90 Stat. 1017

Public Law 94-370

Act of July 26, 1976

Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Chronological List of Legislative Authorities

61. Whale Conservation and Protection Study Act
(16 U.S.C. 971a - 917d)

This Act requires the Secretary of Commerce to conduct comprehensive studies of all whales found in waters subject to the jurisdiction of the United States, including the 200-mile fisheries conservation zone established under P.L. 94-265, and to report to the Congress on the results of these studies, together with recommendations for legislative action, by January 1, 1980. All Federal agencies are required to cooperate with the Secretary of Commerce in preparing the study and recommendations.

In addition, directs the Secretary of Commerce, through the Secretary of State, to initiate negotiations for bilateral agreements with Mexico and Canada for the protection of whales.

Appropriations are authorized for fiscal years 1978 and 1979 in a sum not to exceed \$1 million.

90 Stat. 249

Public Law 94-532

Act of Oct. 17, 1976

DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
OFFICE OF SEA GRANT

Sea Grant Program Established - Authority to Award Grants and
Enter into Contracts for Coastal and Ocean Resource Projects

33 U.S.C. 1121 et seq.

The Act of June 17, 1966, authorized the National Science Foundation to initiate and support programs at sea grant colleges and other institutions, through grants and contracts, for necessary research, education and advisory services in the various fields related to the development of marine resources. A transfer of functions accomplished by Reorganization Plan No. 4 of 1970 placed this authority within the Department of Commerce. The Act of October 8, 1976, amended the earlier legislation to authorize grants for both national and international projects for the development and conservation of the ocean and coastal resources through the promotion of a strong educational base.

80 Stat. 203, Public Law 454, 84th Cong., Act of June 17, 1966
90 Stat. 1961, Public Law 461, 94th Cong., Act of Oct. 8, 1976

DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
OFFICE OF COASTAL ZONE MANAGEMENT

Establishment of a National Policy for the Management of the
Nation's Coastal Zone - Authority to Administer Grants and
Award Contracts

16 U.S.C. 1451 et seq.

The Act of October 27, 1972, authorized the Secretary of Commerce to make grants and enter into contracts with any coastal state for purposes of developing and implementing a management program for the coastal zone, and for acquiring and operating estuarine sanctuaries. The Act of July 26, 1976, incorporated additional planning requirements (beach access, energy facilities and shoreline erosion) as well as additional funding for grants, loans and bond guarantees to a coastal state to deal with impacts resulting from coastal energy activities. It also authorized grants for interstate projects and for research and technical assistance.

DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
OFFICE OF COASTAL ZONE MANAGEMENT

Establishment of Marine Sanctuaries

16 U.S.C. 1431 et seq.

Title III of the Act of October 23, 1972, authorizes the Secretary of Commerce to designate as marine sanctuaries those areas of ocean waters which are determined necessary for preservation and restoration purposes. The Act of July 25, 1975, authorized further appropriations for fiscal year 1976. The Act of June 30, 1976, extend the Marine Protection, Research and Sanctuaries Act for two years.

86 Stat. 1052, Public Law 532, 92 Cong., Act of Oct. 23, 1972

89 Stat. 303, Public Law 62, 94th Cong., Act of July 25, 1975

90 Stat. 725, Public Law 326, 94th Cong., Act of June 30, 1976

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

List of Statutory Authorities

1. "Organic Act" of the National Weather Service

15 U.S.C. 311 et seq.

Provides the basic authority of the National Weather Service originating from the Act of October 1, 1890, which created the U.S. Weather Bureau in the Department of Agriculture. Section 311 of Title 15 provides for the establishment of the "Weather Bureau" in the Department of Commerce. Section 313 sets forth the statutory duties of the Secretary of Commerce (as delegated to the Director, National Weather Service) to, among other things, forecast the weather, issue storm warnings, collect and transmit marine intelligence for the benefit of commerce and navigation, report temperature and rainfall conditions, and take such meteorological observations as may be necessary to establish and record the climatic conditions of the United States.

Section 313a. provides for the establishment of meteorological observation stations in the Arctic region. Other sections include the Chief and employees (Sec. 312); promotions (Sec. 314); changes or assignment to duty of personnel (Sec. 315); appropriations and estimates (Sec. 317); weather signals on mail cars (Sec. 318); odd jobs for part-time employees (Sec. 322); authority for certain functions and activities (Sec. 325); maintenance of a printing office in Washington, D.C. (Sec. 326); appointment and compensation for employees for conducting meteorological investigations in the Arctic region (Sec. 327); and transfer from other Government departments of surplus equipment and supplies for Arctic stations (Sec. 328).

26 Stat. 653	October 1, 1890
28 Stat. 737	March 2, 1895
29 Stat. 108	April 25, 1896
30 Stat. 752	July 8, 1898
44 Stat. 571	May 20, 1926
57 Stat. 301	July 1, 1943
60 Stat. 4	February 12, 1946
62 Stat. 286	June 2, 1948
74 Stat. 11	March 28, 1960
78 Stat. 491	August 10, 1964

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

List of Statutory Authorities

2. Study of Thunderstorms and Atmospheric Disturbances; Reports; Expenditures; Cooperation of Other Departments

15 U.S.C. 313 nt

The Act of June 16, 1948, authorizes and directs the Secretary of Commerce to study fully and thoroughly the internal structure of thunderstorms, hurricanes, cyclones, and other severe atmospheric disturbances with a view to establishing methods by which the characteristics of particular thunderstorms may be forecast and methods by which the characteristics of such storms may be determined on visual observation from outside of the immediate thunderstorm area.

62 Stat. 470

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

List of Statutory Authorities

3. Weather Modification Activities or Attempts; Reporting Requirement

15 U.S.C. 330 - 330e

Public Law 92-205 of December 18, 1971, provides that no person may engage, or attempt to engage, in any weather modification activity in the United States unless he submits to the Secretary of Commerce such reports with respect thereto. The Secretary shall maintain a record of weather modification activities, including attempts, which take place in the United States and shall publish summaries thereof from time to time.

85 Stat. 735

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

List of Statutory Authorities

4. Federal Aviation Act -- Duties of the Secretary of Commerce
Concerning Air Navigation

49 U.S.C. 1463

Title VIII, section 803, of the Federal Aviation Act of 1958 provides that in order to promote safety and efficiency in air navigation, the Secretary of Commerce shall, in addition to any other functions or duties pertaining to weather information for other purposes, (1) make such observations, measurements, investigations, and studies of atmospheric phenomena, and establish such meteorological offices and stations for ascertaining, in advance, information concerning probable weather conditions; (2) furnish such reports, forecasts, warnings and advices to the Secretary of Transportation and other persons; (3) cooperate with persons engaged in air commerce, in meteorological service, establish and maintain reciprocal arrangements and collect and disseminate weather reports available from aircraft in flight; (4) establish and coordinate international exchanges of meteorological information required for the safety and efficiency of air navigation; (5) participate in the development of an international basic meteorological reporting network including stations on the high seas in polar regions and in foreign countries; (6) coordinate meteorological requirements in the United States in order to maintain standard observations; and (7) promote and develop meteorological science and foster and support research projects in meteorology through the utilization of private and governmental research facilities and provide for the publication of the results of such research projects.

72 Stat. 783, August 23, 1958

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

List of Statutory Authorities

5. Hydroclimatic Network

33 U.S.C. 706

Authorizes an expenditure as required, from any appropriations made for flood control, rivers and harbors, and related purposes by the United States for the establishment, operation, and maintenance by the Department of Commerce of a network of recording and non-recording precipitation stations, known as the Hydroclimatic Network whenever such service is advisable.

52 Stat. 1226, June 28, 1938

68 Stat. 1266, September 3, 1954

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

List of Statutory Authorities

6. U.S. Naval Oceanographic Office; Pilot Charts

10 U.S.C. 7393

Provides that pilot charts prepared in the U.S. Naval Oceanographic Office shall bear conspicuous language indicating that the charts have been prepared from data furnished by the U.S. Naval Oceanographic Office and the Department of Commerce and published under authority of the Secretary of the Navy.

The Department of Commerce shall furnish to the U.S. Naval Oceanographic Office, as expeditiously as possible, meteorological information received by the Department of Commerce to be used in preparation of the charts.

70 A Stat. 456, August 10, 1956

76 Stat. 154, July 10, 1962

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

List of Statutory Authorities

7. Cooperation between the Department of Commerce and the
Department of Transportation (Coast Guard) concerning
weather reporting

14 U.S.C. 147

Recognizes the close cooperation which has prevailed for years between the Department of Commerce and the U.S. Coast Guard concerning weather reporting. Specifically, this section provides that the Commandant of the Coast Guard may cooperate with the Department of Commerce by procuring, maintaining, and making available, facilities and assistance for observing, investigating, and communicating weather phenomena and for disseminating weather data, forecasts and warnings, upon mutually satisfactory terms as agreed to by the Coast Guard and the Department of Commerce.

63 Stat. 507, August 4, 1949

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

List of Statutory Authorities

8. Federal Property and Administrative Services Act

40 U.S.C. 474 (14)

Provides that nothing in the Federal Property and Administrative Services Act shall impair or affect any authority of the Secretary of Transportation or the Secretary of Commerce with respect to the disposal of airport property and airway property for use as such property.

63 Stat. 401, June 30, 1949

72 Stat. 808, August 23, 1958

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

List of Statutory Authorities

9. Authority of the Secretary of Commerce to Acquire, Establish,
and Construct Airport Property and Airway Property in Foreign
Territories

49 U.S.C. 1151 et seq.

Provides under Chapter 15 of Title 49, United States Code (International Aviation Facilities Act; Federal Aviation Act of 1958) for, among other things, the Secretary of Transportation and the Secretary of Commerce, within their respective fields, to acquire, establish, and construct airport property and airway property in foreign territory (Sec. 1152); to train foreign nationals in aeronautical and related subjects (Sec. 1153); to accept foreign funds as payment for facilities supplied or services rendered to foreign governments or international organizations (Sec. 1154); and to transfer airport or airway property to foreign governments or international organizations (Sec. 1155). Section 1157 authorizes the transfer of certain property from the Department of Defense to the Secretary of Transportation or the Secretary of Commerce.

62 Stat. 450,	June 16, 1948
63 Stat. 591,	August 10, 1949
72 Stat. 808,	August 23, 1958
88 Stat. 2102,	January 3, 1975

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

List of Statutory Authorities

10. Meteorological Service

49 U.S.C. 1351

Empowers and directs the Secretary of Transportation to make recommendations to the Secretary of Commerce for providing meteorological service necessary for the safe and efficient movement of aircraft in air commerce. Requires the Secretary of Commerce, in providing such meteorological services, to cooperate with the Secretary of Transportation and give full consideration to such recommendations.

72 Stat. 751, August 23, 1958

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

List of Statutory Authorities

11. False Weather Reports

18 U.S.C. 2074

Provides that whoever knowingly issues or publishes any counterfeit weather forecast or warning of weather conditions falsely representing such forecast or warning to have been issued or published by the Secretary of Commerce or other branch of the Government service, shall be fined not more than \$500 or imprisoned not more than ninety days, or both.

62 Stat. 795, June 25, 1948

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

List of Statutory Authorities

12. Cooperative Agreements

7 U.S.C. 450(b)

In 1890, the Weather Bureau was established within the Department of Agriculture. In 1919, the Congress expressly authorized the Department of Agriculture to carry out cooperative agreements with State, county, and municipal agencies and various private organizations by enacting the Act of July 24, 1919, which is still in effect and is presently codified as 7 U.S.C. 450(b). The Department of Agriculture exercised this cooperative agreement authority with respect to Weather Bureau functions during the time that the Weather Bureau was in that Department. When Reorganization Plan No. 4 of 1940 transferred the Weather Bureau from the Department of Agriculture to the Department of Commerce, this cooperative authority was also transferred to the Secretary of Commerce.

41 Stat. 270, July 24, 1919

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

List of Statutory Authorities

13. Cooperative Agreements

15 U.S.C. 1525

Authorizes, among other things, the Secretary of Commerce, in the case of nonprofit organizations, research organizations, or public organizations or agencies, to engage in joint projects, or perform services, on matters of mutual interest, the cost of which shall be apportioned equitably, as determined by the Secretary. The Secretary may waive payment of any portion of such costs by others, when authorized to do so under regulations approved by the Office of Management and Budget.

84 Stat. 864, P.L. 91-412, Sec. 1, September 25, 1970.

In accordance with Presidential Reorganization Plan No. 2 of 1965 (79 Stat. 1318) the Environmental Science Services Administration was established effective July 13, 1965. Under the Reorganization Plan the Coast and Geodetic Survey became a major line component of the Environmental Science Services Administration and the previous functions of the Coast and Geodetic Survey were transferred to the new administration.

On October 3, 1970, Presidential Reorganization Plan No. 4 of 1970 (84 Stat. 2090) became effective and the National Oceanic and Atmospheric Administration was created. Under this Reorganization Plan the Environmental Science Services Administration was abolished and the duties and functions of the former Coast and Geodetic Survey were reassigned to a newly designated National Ocean Survey having the same functional responsibilities.

Today the National Ocean Survey participates actively in international cooperation programs authorized by Congress, including those authorized by the Act of May 25, 1938 (52 Stat. 442), the Act of 27 January 1948 (62 Stat. 6), the Act of June 5, 1950 (64 Stat. 198) and the Act of October 10, 1951 (65 Stat. 373). These programs as well as others require maintenance of liaison with the Agency for International Development, Department of State, the United Nations Educational Scientific and Cultural Organization and the International Civil Aviation Organization.

The following is a list of present authorities under which the National Ocean Survey operates as found in the United States Code.

- 15 U.S.C. §1514 - Basic authority for performance of certain functions and activities of the Department - (authority for medical services, supplies and facilities for employees serving at remote locations and authority for motion picture equipment and film for recreation for crews of vessels).
- 20 U.S.C. §59 - National museum; collections of Coast and Geodetic Survey and Geological Survey.
- 20 U.S.C. §91 - Literary and scientific collections accessible to investigators and students.
- 31 U.S.C. §550 - Advances to Coast and Geodetic Survey - (authority for advances of money from available appropriations to chiefs of parties).

- 31 U.S.C. §661 - Appropriation for Coast and Geodetic; purchases from - (authority for purchase of provisions, clothing, small stores and food supplies for field parties).
- 33 U.S.C. §642 - Appointment of commissioners; vacancies; chairman; tenure of office - (appointment of a member of the Coast and Geodetic Survey to the Mississippi River Commission).
- 33 U.S.C. §647 - Mississippi River survey - (authority to detail officers, men and equipment as needed to survey the Mississippi River).
- 33 U.S.C. §702e - Same; maps for project; preparation - (authority for use of services of Coast and Geodetic Survey in the preparation of maps for flood control).
- 33 U.S.C. §883a - Surveys and other activities - (basic authority for all survey work).
- 33 U.S.C. §883b - Dissemination of data: further activities - (basic authority for compilation and printing of nautical and aeronautical charts).
- 33 U.S.C. §883c - Geomagnetic data: collection, corrolation and dissemination.
- 33 U.S.C. §883d - Improvement of methods, instruments, and equipments; investigations and research.
- 33 U.S.C. §883e - Cooperative agreements for surveys and investigations - (basic authority for cooperative surveying activities with states, public or private organizations, or individuals).
- 33 U.S.C. §883f - Contracts with qualified organizations.
- 33 U.S.C. §883h - Employment of public vessels.
- 33 U.S.C. §883i - Appropriations - (authority for appropriations necessary for vessel and facility maintenance and construction and operation).
- 33 U.S.C. §884 - Power to use books, maps, etc., and to employ persons.
- 33 U.S.C. §888 - Report to Congress on expenditures.

- 44 U.S.C. §1307 - National Oceanic and Atmospheric Administration charts; sale and distribution.
- 44 U.S.C. §1310 - Commerce Department: navigation and weather information.
- 50 U.S.C. §81 - Military surveys and maps; assistance of mapping agencies of government - (authorization for Secretary of the Army to secure assistance of United States Coast and Geodetic Survey).
- 50 U.S.C. §552 - Persons subject to this chapter (Article II) - (authority to subject personnel of the Coast and Geodetic Survey to the Uniform Code of Military Justice while such personnel are assigned to and serving with the Armed Forces of the United States).

Department of Commerce
National Oceanic and Atmospheric Administration
Commissioned Corps

The following is a list of the present authorities under which the Commissioned Corps of NOAA operates as found in the United States Code.

The following provisions of 5 U.S.C. are applicable to officers of the NOAA Corps:

Sec. 2901-2906 - Commissions and Oaths of Office.

Sec. 3331-3333 - Oaths of Office, affidavits, loyalty.

Sec. 3501-3504 - Retention, performance, restoration and reemployment.

Sec. 4104-4118 - Training.

Sec. 4501 - Incentive awards.

Sec. 5501-5503; 5505; 5507-5509 - General provisions for pay administrations.

Sec. 5512-5514 - Withholding pay for indebtedness.

Sec. 5516-5517 - Withholding state income taxes.

Sec. 5531-5533; 5534a; 5536 - Dual pay and dual employment.

Sec. 5901-5903 - Uniform allowances.

Sec. 5911 - Rental rates quarters and facilities.

Sec. 5943 - Foreign currency appreciation allowances.

Sec. 7311; 7313; 7321-7325; 7326 - Political activity.

Sec. 7342 - Foreign gifts and decorations.

Sec. 7903 - Protective clothing and equipment.

Sec. 8301 - Uniform retirement date.

Sec. 8311 - 8322 - Forfeiture of annuities and retired pay.

Sec. 8501-8508 - Unemployment compensation.

The following provisions of title 10, U.S.C. are applicable to the NOAA Corps, either by assimilation or direct inclusion:

Sec. 701-704 - Leave (33 U.S.C. §857a (10)).

Sec. 802 - Applicability of UCMJ.

Sec. 1001 - Regulations relating to pay and allowances.

Sec. 1035 - Deposits of Savings (33 U.S.C. §857a (12)).

Sec. 1036 - Escorts for dependents (33 U.S.C. §857a (1)).

Sec. 1040 - Transportation of dependent patients.

Chap. 55 - Medical and Dental Care.

Sec. 1124 - Cash awards while serving with the armed forces.

Chap. 61 - Retirement or separation for physical disability
(33 U.S.C. §857a (2)).

Chap. 69, except Sec. 1374, 1375 and 1376(a) - retired grade
(33 U.S.C. § 857a (3)).

Chap. 71 - Computation of retired pay (33 U.S.C. §587a (4)).

Chap. 73 - Annuities Based on Retired or Retainer Pay (33 U.S.C. §857a(5)).

Chap. 75 - Death Benefits (33 U.S.C. §857a(6)).

Sec. 2634 - Motor Vehicles for Members on Change of permanent
station (33 U.S.C. §857a(11)).

Sec. 2731-2732; 2735 - Property loss incident to service (33 U.S.C. §857a (8)).

Sec. 2771 - Final settlement of deceased members' accounts (33 U.S.C. §857a (7)).

Sec. 5571 and 6019 - Officers of vessels of the U.S. shall be citizens of the U.S. (R.S. 1428).

Sec. 7211 - Attendance at meetings of technical, professional or scientific organizations.

Sec. 7571 - 7572 - Quarters or other accommodations.

Sec. 7576 - Quarters: extension phones.

Title 22, U.S.C.:

Sec. 267a - Same; appointment of delegates; compensation - authority to appoint officers of the U. S. Coast and Geodetic Survey to attend meetings of the International Geodetic Association.

Sec. 2396(a)(16) - Availability of funds - general expenditures (services of Coast and Geodetic Survey officers) - authority to provide services of C&GS officers not to exceed 20 for the purposes of international development, peace and security.

The following sections of title 33, U.S.C. are applicable to the NOAA Corps.

Sec. 851 - Authorized numbers of commissioned officers.

Sec. 853a - Authorized numbers in permanent rank.

Sec. 853b - Promotion to grades above LTJG.

Sec. 853c - Mandatory consideration for promotion to LT. and LCDR.

Sec. 853d - Mandatory consideration for promotions to CDR and CAPT.

Sec. 853e - Promotion of ensigns; separations.

Sec. 853f - Length of service for promotion.

Sec. 853g - Involuntary transfers to retired list and separations.

Sec. 853h - Lump-sum payment upon involuntary separation.

- Sec. 853i - Appointments and promotion made by the President.
- Sec. 853j - Examinations for promotion.
- Sec. 853j-1 - Temporary appointments and promotions.
- Sec. 853k - Retirement for age.
- Sec. 853l - Retirement for length of service.
- Sec. 853o - Computation of retired pay.
- Sec. 853o - 1 - Credit of service as deck officer and junior engineer.
- Sec. 853p - Rank upon retirement.
- Sec. 853q - Retired rank and pay pursuant to other laws not affected.
- Sec. 853r - Personnel Board.
- Sec. 853t - Original appointments.
- Sec. 854 - Qualification for appointment or promotion.
- Sec. 854a - Service credit as deck officer or junior engineer for promotion purposes.
- Sec. 854a - 1 - Temporary appointment or promotion in time of war or national emergency.
- Sec. 854a - 2 - Date of acceptance of promotion.
- Sec. 855 - Cooperation with and transfer to DOD.
- Sec. 856 - Relative rank when serving with the armed forces.
- Sec. 857 - Service for purposes of servicemen's and veterans' benefits.
- Sec. 857 - 1 - Definitions.
- Sec. 857 - 2 - Retired grade, retired pay.
- Sec. 857 - 2 - Service for purposes of certain rights, privileges, immunities and benefits.
- Sec. 857 - 4 - Commissary and quartermaster supplies.
- Sec. 857 - 5 - Service in C&GS and ESSA.

Sec. 857a - Assimilation of certain provisions of 10 U.S.C.

Sec. 858 - Rules when cooperating with the military departments.

Sec. 864 - Retirement generally.

Sec. 868a - Commissary and quartermaster supplies.

Sec. 874 - Transportation of deceased officer's effects.

Sec. 875 - Power of officers as notaries.

Sec. 876 - Fees for notarial acts.

All provisions of title 37, U.S.C. applicable to members of the uniformed services apply to the NOAA Corps. The following provisions mention the NOAA Corps by specific reference:

Sec. 101(3) - Definitions.

Sec. 201(a) - Pay grades.

Sec. 205 - Creditable service for pay.

Sec. 403 - Basic allowance for quarters.

Sec. 501 - Payments for unused accrued leave.

Sec. 502 - Absences due to sickness, wounds, and certain other causes.

Sec. 503 - Absence without leave or over leave.

Sec. 706 - Allotments and assignments of pay.

Sec. 801 - Restrictions on payment to certain officers.

Sec. 1001 - Regulations relating to pay and allowances.

Title 42, U.S.C.:

Sec. 253 - Medical services by PHS.

Title 50, U.S.C.:

Sec. 552 - Persons subject to this chapter (Article II) - (authority to subject personnel of the Coast and Geodetic Survey to the Uniform Code of Military Justice while such personnel are assigned to and serving with the Armed Forces of the United States).

Regulations governing cooperation of the National Oceanic and Atmospheric Administration with the Department of Defense concerning the commissioned corps are contained in the Memorandum of Understanding between the Department of Defense and Department of Commerce which was approved in November 1971.

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